



WEB COPY



WP.No.19141 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2023

CORAM

THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P No.19141 of 2020

Mala

...

Petitioner

Vs.

1. The Secretary,
Ministry of Shipping Govt. of India,
Transport Bhavan, New Delhi-110 001.

2 . The Chairman,
The Chennai Port Trust,
Port of Chennai, No.1,
Rajaji Salai, Chennai-600 001.

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of MANDAMUS, directing the respondents to consider the proforma application of the petitioner dated 28.09.2016 seeking family pension and to arrange to pay the same with effect from 09.12.2007 with 12% interest on the arrears till the date of actual payment.

For Petitioner : Mr.L.Chandrakumar.

For Respondents : Mr.B.Rabu Manohar, Standing Counsel for R1
: Mr.P.Ulaganathan for R2



WP.No.19141 of 2020

ORDER

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This Writ Petition has been filed seeking a direction against the respondents to consider the proforma application of the petitioner dated 28.09.2016 seeking family pension and to arrange to pay the same with effect from 09.12.2007 with 12% interest on the arrears till the date of actual payment.

2. The petitioner is the widowed daughter of Late E. Selvaraj, who worked as a Master in the Traffic Department at the Port of Chennai. E.Selvaraj retired in 1991 and passed away in 2007. The Chennai Port Trust Employees are governed by the Chennai Port Trust Pension Rules, 1987 and as such late E. Selvaraj was privileged with the Pension benefits and further the family members viz., Wife/husband, son up to the age of 21 years including adopted son, and unmarried daughters up to the age of 21 years were bestowed with the privilege of family pension.

2.1. The Bipartite Wage Negotiating Committee for Port Workers reached a settlement in 2010, and the respondent issued instructions to extend family pension to the dependent parents and unmarried/widowed/divorced daughters beyond the age of 25years.

2.2. The Ministry of Shipping issued instructions regarding the family



pension benefit for pensioners who retired before January 1, 2007. The petitioner has submitted a request for the pension, which is pending for consideration. Mr.P.Ulaganathan, learned counsel for the second respondent submitted that the representation is under process, but no progress has been made so far, thus requesting appropriate direction.

3. Heard, Ms.Mala, learned counsel for the petitioner and Mr.B.Rabu Manohar, learned standing counsel for the 1st respondent and Mr. P.Ulganathan, learned counsel for the 2nd respondent and perused the materials placed on record.

4. Ms.Mala, learned counsel for the petitioner would submit that without going into merits of the case the representation made by the petitioner, the respondent can be directed to consider and dispose the representation made by the petitioner in accordance with law.

5. Mr.B.Rabu Manohar, learned standing counsel for the 1st respondent while conceding the claim of the petitioner, would submit that if any such direction is given by this Court, the same would be complied and the representation of the petitioner would be disposed of in accordance with law.



WP.No.19141 of 2023

WEB COPY

6. Considering the above submissions, without going into the merits of the case, the respondents1 & 2 are directed to consider and dispose the proforma application of the petitioner dated 28.09.2016, made by the petitioner in accordance with law and on merits, within a period of 6 weeks from the date of receipt of a copy of this order.

With the above observation, this Writ Petition is disposed of. No costs.

22.11.2023

Index : Yes

Internet : Yes/No

jrs



WP.No.19141 of 2023

To

WEB COPY

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R.N.MANJULA, J.

jrs

W.P No.19141 of 2020

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