



W.P.No.25167 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2023

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

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R.Rajeshwari

... Petitioner

-Vs-

The Managing Director,
Tamil Nadu Transport Corporation,
Kumbakkonam Division,
Kumbakkonam Taluk,
Thanjavur District.

... Respondent

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the respondent to pay family pension to the petitioner from the date of death of her deceased husband within a stipulated period.

For Petitioner : Mr.S.Parthasarathy
For Respondent : Mr.P.Balathandayutham
Special Government Pleader

ORDER

This Writ Petition has been filed for direction directing the respondent to pay family pension to the petitioner on the demise of her husband.

2. Heard the learned counsel appearing for the petitioner and the learned



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Special Government Pleader appearing for the respondent and perused the materials available on record.

3. The petitioner's husband had worked as a Conductor in the respondent's Corporation at Thiruvavur Branch and retired from service on 30.05.2006. Due to his ill-health, he died on 25.03.2019.

4. Therefore, the petitioner made a representation to the respondent to grant family pension to her. However, on verification, the Revenue Official found that her husband had another wife. Therefore, the petitioner had filed the S.O.P.No.03/2019 in the District Munsif, Nagapattinam to declare herself, her son and daughter as the legal heirs of her deceased husband Ramachandran. Even, while her husband was alive, he filed a divorce petition as against the petitioner in H.M.O.P.No.02 of 2009 on the file of the Sub-Court, Nagapattinam, in which her husband categorically mentioned the petitioner as his wife. The said divorce petition was dismissed, on the ground that her husband failed to prove any cruelty or desertion made by the petitioner herein. The Civil Court also declared the petitioner and two others as legal heirs of the deceased Ramachandran and the petitioner is entitled for family pension.



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5. Considering the above facts and circumstances, the respondent is directed to consider the representation of the petitioner, on the basis of the decree passed in S.O.P.No.03 of 2019 dated 16.12.2022 and grant family pension to the petitioner, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above directions, this Writ petition stands disposed of. There shall be no order as to costs.

25.08.2023

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order
mn

G.K.ILANTHIRAIYAN, J.



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To

The Managing Director,
Tamil Nadu Transport Corporation,
Kumbakkonam Division,
Kumbakkonam Taluk,
Thanjavur District.

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