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W.P.No.35434 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2023

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.35434 of 2023

M. Hamsavalli

... Petitioner

Vs.

The Transport Manager,
Traffic Department,
Chennai Port Trust,
Chennai.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondent to provide family pension to the petitioner vide representation dated 22.11.2023.

For Petitioner : Mr.Y. Kajanavas

For Respondent : Mr.S. Hajamohideen Gisthi

ORDER

With the consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.



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2. The learned counsel for the petitioner submitted that originally, the late employee had married one Kamalam, who died in May 1984 and out of the wedlock, one daughter namely Jayasundari was born to them. After the death of the first wife, he had married the petitioner herein, on 11.02.1985 and through their wedlock, two children were born namely Maheswari and Palanivel. The petitioner has also given a representation dated 22.11.2023 to the respondent, seeking to provide family pension.

3. Since the child to the first wife also may be entitled for the Death Cum Retirement Gratuity Benefits (DCRG), it would be appropriate that the respondent may be directed to give an opportunity to all the legal heirs, who are entitled for the family pension and thereafter, take a final decision.

4. In the light of the above observations, there shall be a direction to the respondent herein, to consider the petitioner's representation dated 22.11.2023, after giving due opportunity to all the legal heirs of the deceased employee and thereafter, take a final decision on its own merits and pass appropriate orders in accordance with law, within a period of



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twelve (12) weeks from the date of receipt of a copy of this order.

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5. Accordingly, the Writ Petition stands disposed of. No costs.

19.12.2023

Speaking/Non-speaking order

Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

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Note: Issue Order Copy on 26.12.2023.

To

The Transport Manager,
Traffic Department,
Chennai Port Trust,
Chennai.



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M.S.RAMESH,J.

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