



Cont.P.(MD).No.1768 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2023

CORAM

THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

Cont.P.(MD).No.1768 of 2022

In

W.P.(MD).No.15468 of 2014

L.Padma

... Petitioner/Petitioner

Vs.

1.Mr.Ilangovan,
The Managing Director,
The State Express Transport Corporation,
The Tamil Nadu State Transport Limited,
Pallavan Salai,
Chennai – 2.

2.Mrs.Bama,
The Administrator,
The Tamil Nadu State Transport Limited,
Employees Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai – 600 002.

... Contemnors/Respondents No.2 and 3

PRAYER: Petition filed under under Section 11 of the Contempt of Court Act, 1971, to punish the contemnors for wilfully disobeying and not complying with the order of this Court, dated 05.06.2017, in W.P.(MD).No.15468 of 2014.



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For Petitioner : M.Manivanan

For R-1 : Mr.K.Senthil Kumar

For R-2 : Mr.S.C.Herold Singh

ORDER

Alleging wilful disobedience of the order passed by this Court in W.P.(MD).No.15468 of 2014 dated 05.06.2017, this Contempt Petition is filed.

2. The petitioner is seeking family pension for the Civil service along with the Ex-serviceman service. The said issue was considered by the State Government and has issued G.O.Ms.No.290 (Public Ex-servicemen) Department dated 05.04.2017. The said Government Order is applicable to the State Government employees. A similar claim was raised by the Transport Department employees. After considering the issue, the Government has issued G.O.Ms.No. 493 Transport (E) Department dated 13.12.2017 sanctioning dual pension for the families of retired Military personnel, who has served in the Corporation as Civil service. However, the said G.O. states that the benefits shall be granted from the date of issuance of the Government Order that is on 13.12.2017. Under clause-5

<https://www.mhc.tn.gov.in/judis>

of the said G.O., it has been specifically stated that “this order shall take



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effect from the date of issue”. The respondents have rightly granted benefits from the date of issuance of Government Order that from 13.12.2017.

3. The learned counsel appearing for the petitioner submitted that the pension should be sanctioned from the date of death of the employee. This claim cannot be entertained. The Government has taken a policy decision to grant family pension to Corporation employees after taking into consideration of financial viability. Even in G.O.Ms.No.290, the Government has granted from the date mentioned in the said G.O. and it is not applicable from the date of death of the deceased employee. Hence, the claim of the petitioner cannot be considered.

4. There is no contempt made out and hence this Contempt Petition is dismissed.

16.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
Nsr



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To

- 1.The Managing Director,
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S.SRIMATHY, J

Nsr

Order made in
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16.02.2023