



W.P.(MD).No.30269 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.30269 of 2023

P.Lenkeswaran

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by the Additional
Chief Secretary to Government,
Transport Department,
Secretariat, Fort St. George,
Chennai – 600 009.
2. The Managing Director,
Tamil Nadu State Transport Corporation,
(Tirunelveli) Limited,
No.19, Trivandrum Road,
Vannarpettai,
Tirunelveli – 627 003.
3. The General Manager,
Tamil Nadu State Transport Corporation,
(Tirunelveli) Limited,
Nagercoil Region,
Nagercoil – 629 001.



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4. The Administrator,
Tamil Nadu Transport Corporation Employees
Pension Fund Trust,
Thiruvalluvar Illam,
Chennai – 600 002.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent herein to sanction family pension to the petitioner under Rule 49(13-B) of Tamil Nadu Pension Rules by considering the representation of the petitioner, dated 30.01.2023.

For Petitioner : Mr.D.Siva Raman

For Respondents : Mr.S.Shaji Bino
Special Government Pleader – for R1

: Mr.K.Ramaiah
Standing Counsel – for R2 and R3

: Mr.S.C.Herold Singh – for R4

ORDER

The present writ petition has been filed by the husband of the deceased employee seeking a direction as against the first respondent herein to consider his appeal dated 27.08.2021 and pass orders.

2. According to the learned counsel appearing for the petitioner, the petitioner's wife who was working in the Transport Department as a Typist



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was absorbed permanently in Nesamony Transport Corporation with effect from 01.05.1975. She attained superannuation on 30.09.2003 and she passed away on 03.11.2011. During her life time, she was receiving pension from the Transport Corporation alone.

3. The Government has passed G.O.(Ms) No.96, Transport (RW-1) Department, dated 31.07.2015, wherein, provisions have been made for grant of Government pension to those employees, who were absorbed permanently in the Transport Corporation. Relying upon the said Government Order, the petitioner had approached the third respondent seeking Government Pension. The third respondent, who is the General Manager of the Transport Corporation has rejected the said request. According to the petitioner, the first respondent alone is the authority to decide whether the petitioner is eligible for Government Pension or not. Hence, the petitioner has sent the appeal to the first respondent on 27.08.2021. The petitioner relies upon Rule 49 (13-B) of Tamil Nadu Pension Rules, 1978, to impress upon the Court that, in case, if the petitioner relinquishes his right to receive the family pension from the Transport Corporation, he would be entitled to receive the Government pension.



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4. Considering the above said facts, the first respondent herein is directed to consider the representation of the petitioner dated 27.08.2021 in the light of Rule 49 (13-B) of Tamil Nadu Pension Rules, 1978, and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above said observations, this Writ Petition stands disposed of. There shall be no order as to costs.

19.12.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR,J.

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