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W.P.No.1412 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2024

CORAM:

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

W.P.No.1412 of 2024

Saroja

...Petitioner

-Vs-

1. The Under Secretary to Government,
Transport (TBC) Department,
Secretariat,
Chennai-600 009.
2. The Director of Pension,
Integrated Finance Department Office Building,
Veterinary Hospital Campus,
No.571 Anna Salai, Nandhanam,
Chennai-600 035.
3. The Sanctioning Authority,
Pension Pay Officer,
Integrated Finance Department Office Building,
Veterinary Hospital Campus,
No.571 Anna Salai, Nandhanam,
Chennai-600 035.
4. The Managing Director,
Metropolitan Transport Corporation
(Chennai) Limited.,
Pallavan Illam,
Pallavan Salai,



W.P.No.1412 of 2024

Chennai-600 002.

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5. The Senior Deputy Manager,
Metropolitan Transport Corporation
(Chennai) Limited,
Pallavan Illam, Pallavan Salai,
Chennai-600 002.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's representations dated 13.03.2023 and 05.01.2024 and thereby direct the respondents to grant family pension to the petitioner by accepting that the petitioner's husband name is B.Amirthalingam and K.B.Amirthalingam both are one and the same person.

For Petitioner : Mr.B.Gopalakrishnan

For R1 to R3 : Mr.K.H.Ravikumar
Government Advocate

For R4 and R5 : Mr.A.Vinoth Raj
Standing Counsel

ORDER

This writ petition has been filed for direction directing the respondents to consider the petitioner's representations dated 13.03.2023 and 05.01.2024 and to direct the respondents to grant family pension to the petitioner by accepting that the petitioner's husband name is B.Amirthalingam and K.B.Amirthalingam both are one and the same person.



W.P.No.1412 of 2024

WEB COPY

2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioner's husband one B.Amirthalingam who worked as a Tradesman in the then Pallavan Transport Corporation, now Metropolitan Transport Corporation, Chennai, retired from service on 30.06.1988. While he was receiving pension, he died on 11.10.2022. The petitioner is the wife of the deceased husband and she is entitled to get family pension. Therefore, the petitioner approached the fourth respondent for grant of family pension and submitted a representation along with necessary documents as required by the Government.

4. The fourth respondent by its communication dated 29.05.2023, forwarded the Form No.14 for sanction of family pension. The third respondent by its proceedings dated 30.05.2023 granted financial assistance of Rs.50,000/- to the petitioner as a legal heir of the deceased K.B.Amirthalingam, who expired on 11.10.2022.



W.P.No.1412 of 2024

WEB COPY

5. While being so, the petitioner received a communication from the fifth respondent dated 21.08.2023, thereby informed that the Government returned her pension papers, on the ground that the husband name is K.B.Amirthalingam, but it was mentioned as B.Amirthalingam.

6. A perusal of the death certificate, legal heirship certificate, Widow Certificate, Family Card, Ration Card shows that her husband name is B.Amirthalingam. However, in the service records of her husband, it was mentioned as K.B.Amirthalingam.

7. Admittedly, there is no counter claim and there is no dispute that the name of the petitioner's husband K.B.Amirthalingam and B.Amirthalingam are one and the same. Therefore, the petitioner submitted representation dated 05.01.2024, to consider her case for family pension and it is pending.

8. Considering the above facts and circumstances of the case, the third respondent is directed to consider the petitioner's husband's name K.B.Amirthalingam and B.Amirthalingam as one and same and grant



W.P.No.1412 of 2024

WEB COPY

family pension to the petitioner, within a period of four weeks from the date of receipt of a copy of this order.

9. With the above directions, this writ petition is disposed of. No costs.

23.01.2024

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
mn



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W.P.No.1412 of 2024

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