



WEB COPY

W.P.No.4154 of 2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.4154 of 2021

Noor Jahan

...

Petitioner

versus

1.State of Tamil Nadu,
Rep. by its Addl. Chief Secretary to Government,
Transport Department,
Secretariat,
Chennai - 600 009.

2.State Express Transport Corporation,
Rep. by its Managing Director,
No.2. Pallavan Salai,
Chennai - 600 002.

3.Tamil Nadu State Transport Corporation
Employees' Provident Fund Trust,
Rep. by its Administrator,
No.2, Pallavan Salai,
Chennai - 600 002.

4.The Regional Provident Fund Office,
Rep. by its Commissioner,
Royapettah,
Chennai - 600 014.

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Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the first respondent to sanction family pension to the petitioner in the light of the orders of the Division Bench of Hon'ble High Court of Madras in WA.No.1246 of 2009 dated 18.08.2010, W.P.No.261 of 2020 dated 08.01.2020 and G.O.(Ms)No.189 Transport (RW1) Department dated 13.08.2004 and consequently pay the arrears of family pension from the date of death of petitioner's husband K.M.A.Mohideen (i.e.) from May 1984 with 6% interest by considering the representation of the petitioner dated 19.11.2018.

For Petitioner : Mr.D.Soundar Raj

For Respondent No.1 : Mr.T.Chezhiyan
Additional Government Pleader

For Respondent Nos.2 & 3 : Mr.L.S.H.Hasan Fizal

For Respondent No.4 : No Appearance

ORDER

The petitioner has filed this petition seeking a writ of mandamus, directing the first respondent to sanction family pension to her and also to pay the arrears along with interest.

2. Heard Mr.D.Soundar Raj, learned counsel for the petitioner and Mr.T.Chezhiyan, learned Additional Government Pleader for the 1st respondent, Mr.L.S.H.Hasan Fizal, learned counsel for the respondents 2 and 3 and perused the materials available on record.



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3. There is no representation for the 4th respondent either in-person or through his counsel.

4. The petitioner's husband has been appointed as a Driver in the first respondent Department in the year 1966. Thereafter, he has joined in the Metropolitan Transportation Corporation and then in the State Express Transport Corporation on 01.05.1975 and expired on 30.04.1984. After the death of the petitioner's husband, she was sanctioned with the Employees Provident Fund Pension by the 4th respondent for the services rendered by her husband in the 2nd respondent Corporation.

5. The petitioner's husband was eligible to receive pension and he was receiving the same till his life time. However, after his death, the family pension was not paid to the petitioner and hence she made representation to the first respondent, it has not been considered so far.

6. Hence, the first respondent is directed to consider the representation of the petitioner dated 19.11.2018 and pass appropriate



orders on its own merits and in accordance with law within a period of four

(4) weeks from the date of receipt of a copy of his order and this Writ

Petition is **disposed** accordingly. No costs.

22.03.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

sri



To

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Secretariat, Chennai - 600 009.
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- 3.The Administrator,
Tamil Nadu State Transport Corporation
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R.N.MANJULA, J.

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