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Writ Petition No.23695 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.23695 of 2024

S.Chinnaponnu
W/o.Late Sekar

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Thiruvalluvar Illam,
Pallavan Salai, Chennai - 600 002.

2.The Additional Managing Director,
Tamil Nadu Transport Corporation Ltd.
(Coimbatore Division),
No.37, Mettupalayam Road,
Coimbatore.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the respondents to consider the petitioner's representations dated 18.12.2023 and 07.03.2024 for disbursal of arrears of pension amount of the petitioner's husband Late Mr.Sekar within the stipulated time frame fixed by this Court.

For Petitioner : Ms.D.Kalaiselvi

For Respondents : Mr.M.Murali Vinodh
Standing Counsel [R1 & R2]



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ORDER

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This writ petition has been filed seeking issuance of a writ of mandamus directing the respondents to consider the representations made by the petitioner, who is seeking for disbursement of pension payable to her husband within the time frame fixed by this Court.

2. Heard Ms.D.Kalaiselvi, learned counsel for petitioner and Mr.M.Murali Vinodh, learned Standing Counsel appearing for respondents 1 and 2.

3. The case of the petitioner is that her husband was working as a conductor in the State Transport Corporation. The petitioner got separated from her husband due to some misunderstanding. In the mean time, when the first marriage was in subsistence, the husband of the petitioner married another woman named Malliga. Through that marriage, two children were born.

4. The further case of the petitioner is that her husband died on 04.09.2011 while on duty. The said Malliga applied for legal heirship certificate by showing herself and her two children as legal heirs. This



was protested by the petitioner and the application made by Malliga was rejected. Ultimately, the said Malliga filed a civil suit before the Principal District Munsif, Bhavani, in O.S.No.90 of 2013. In that suit, the petitioner was arrayed as third defendant. The suit was dismissed by judgment and decree dated 18.10.2016. Aggrieved by the dismissal of the suit, the said Malliga filed an appeal before the Sub Court, Bhavani, in A.S.No.31 of 2018. During the pendency of the appeal, a compromise was arrived at between the parties and the appeal itself was disposed of in terms of the compromise reached between the parties.

5. Pursuant to the above development, the petitioner made representations to the respondents on 18.12.2023 and 07.03.2024 for disbursement of arrears of the pending pension amount of her husband. Since the same did not evoke any response, the present writ petition has been filed before this Court seeking for appropriate directions.

6. Taking into consideration the facts and circumstances of the case and the materials placed before this Court, there shall be a direction to the second respondent to deal with the representation made by the petitioner on 07.03.2024 on its own merits and in accordance with law



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and in line with the compromise decree passed in A.S.No.31 of 2018, dated 08.08.2022 by the Sub Court, Bhavani and convey the decision to the petitioner regarding the disbursement of the arrears amount within a period of six (6) weeks from the date of receipt of a copy of this order. In the event of the petitioner being entitled for payment of arrears of pension amount, the same shall also be paid to the petitioner within a period of eight (8) weeks from the date of receipt of copy of this order.

7. The petitioner is directed to submit a fresh representation to the second respondent along with all relevant documents and also a copy of this order.

This writ petition is disposed of with the above direction. No costs.

20.08.2024

Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order
gm



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To

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N.ANAND VENKATESH, J

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