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W.P.No.34531 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.34531 of 2024

Selvi Refuge Mary Mercy

...Petitioner

Vs

1.The Secretary,
Ministry of Shipping,
Government of India,
Transport Bhavan,
New Delhi- 110001.

2.The Chairman,(Through Proper Channel)
Chennai Port Trust,
Rajaji Salai,
Chennai - 600001.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents 1 to 2 to dispose of the petitioner's representation dated 26.06.2024 to grant family pension.

For Petitioner

: Mrs.Auxilia Peter

For Respondents

: Mrs.V.Sudha for R1

Central Government Counsel

Mr.R.Karthikeyan for R2



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ORDER

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This writ petition has been filed to direct the respondents 1 to 2 to dispose of the petitioner's representation dated 26.06.2024 to grant family pension.

2. The case of the petitioner is that the petitioner's father late V.Amala Rajah, retired on 31.08.1983 after serving under the respondents as Head Clerk, Traffic Department for a period of more than 30 years. At the time of the petitioner's father's retirement, his mother was alive and out of his 8 children, only 2 daughters were married and other 4 daughters and two sons were not married. In the said situation, the petitioner's father declared the petitioner's mother's name in the family pension and the petitioner's name was not included in the family members list. After his retirement, other 3 daughters and 2 sons got married except the petitioner. The petitioner's mother died on 13.08.2004 and the petitioner is aged about 63 years and she did not marry as she has to take care of her aged father. After the petitioner's mother death, her father wrote many letters to the respondents and the FA & CAO, Finance Department of Port Trust of Chennai and also personally approached them to include the petitioner's name as dependant to receive family



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pension in the pension sheet form. Subsequently, the petitioner made a representation on 26.06.2024 to the respondents for granting the family pension to the petitioner. On receipt of the same, the 2nd respondent vide reply dated 29.07.2024 stated that with reference to your request for extension of family pension under Category II of the petitioner's father late Shri.V.Amala Rajah, (PPO.No.2351), it is informed that ChPA is in the process of working out the modalities to grant family pension to the unmarried or widowed or divorced daughter of a deceased government servant/pension who is not earning her livelihood beyond the age of 25 years of life or until she gets remarried or until she starts earning for her livelihood, whichever is earlier. However, no order has been passed till date. Hence, the present writ petition.

3. Learned Counsel appearing for the respondents would submit that the petitioner's representation dated 26.06.2024 will be considered by the respondents on its own merits and in accordance with law, within the time fixed by this Court.

4. In view of the same, without going into the merits of the claim made by the petitioner, this Court is inclined to direct the respondents to consider the petitioner's representation dated 26.06.2024



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and pass final orders on its own merits and in accordance with law, within a period of eight(8) weeks from the date of receipt of copy of this order.

5. With the above direction, the Writ Petition stands disposed of. No costs.

22.11.2024

Index:Yes/No
Speaking order/Non-speaking order
msv

To

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V.BHAVANI SUBBAROYAN,J.

msv

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