



W.P.(MD).No.19320 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 21.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.19320 of 2022

S.Gurulakshmi

... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation
(Tirunelveli) Limited,
Tirunelveli.

2. The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar House,
(SETC Office Compound)
Pallavan Salai,
Chennai – 600 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the letter No.29/Ka.Kaa/Tha.A.Po.Ka.U.O.Ni.Po/2021-1429-1198, dated 10.11.2021 and quash the same and direct the respondents to disburse the family pension to the petitioner due to the death of petitioner's brother by name S.Lakshmanan.



W.P.(MD).No.19320 of 2022

WEB COPY

For Petitioner : Mr.K.Guhan
For R1 : Mr.D.Jebaraj
Standing Counsel
For R2 and R3 : Mr.S.C.Herold Singh
Standing Counsel

ORDER

The present Writ Petition has been filed by the sister of deceased Conductor, who was working in the respondent Transport Corporation.

2. The brother of the writ petitioner herein, viz., S.Lakshmanan, who was working as a Conductor in the respondent Transport Corporation had attained superannuation on 30.06.2012 and he was receiving pension. In his pension payment order, the name of the petitioner has been referred to as the nominee.

3. The pensioner, viz., S.Lakshmanan had passed away on 20.01.2021. Thereafter, the petitioner has approached the respondent Transport Corporation for disbursement of family pension in her favour. However, under the impugned order, dated 10.11.2021, the request of the writ petitioner



W.P.(MD).No.19320 of 2022

was rejected on the ground that there is no provision under the Pension Rules of the Transport Corporation for payment of family pension to the writ petitioner. This order is under challenge in the present writ petition.

4. The learned counsel appearing for the writ petitioner had relied upon Rule 20(2) (f) of the TNSTC EPF Trust Rules, to contend that if the member of service is not having any family, he is at liberty to nominate any person to receive the family pension. In the present case, the employee had nominated his sister/writ petitioner to receive the family pension. The writ petitioner being unmarried and aged about 64 years, she was dependent upon the pensionary benefits of the employee. Therefore, the writ petitioner is eligible to receive the family pension.

5. Per contra, the learned Standing Counsel appearing for the respondent Transport Corporation had submitted that only the parents and spouse are eligible to receive the family pension during the entire life time. Even for the children of a deceased employee, the family pension would be conferred only upto the age of 25 years except in the cases of children who are physically or mentally challenged. In the case of the writ petitioner, she is



W.P.(MD).No.19320 of 2022

the sister of the deceased employee and she is already 64 years old and therefore, she is not eligible for family pension.

6. I have carefully considered the submissions made by the learned counsel on either side and perused the materials available on record.

7. Rule 20(2) (f) of the TNSTC EPF Trust Rules, empowers a member who is not having a family at the time of death, to nominate a person to receive the family pension. No doubt, the petitioner has been nominated as the nominee in the pension payment order, as per the request of the retired employee. However, as rightly contended by the learned Standing Counsel appearing for the respondents, age limit has been fixed for the children of the deceased employee for receipt of family pension. In the present case, when the pensioner had passed away, the writ petitioner was more than 60 years old and therefore, she is not eligible to receive family pension. Just because the writ petitioner remains unmarried, the question of payment of family pension would not arise unless, Rule 20(2) (f) of the TNSTC EPF Trust Rules, provides for payment of pension to the sister for the entire life time like that of the parents or the spouse of the deceased employee.



W.P.(MD).No.19320 of 2022

WEB COPY

8. In view of the above said facts, there are no merits in this writ petition. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs.

21.08.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
ebsi

To

1. The Managing Director,
Tamil Nadu State Transport Corporation
(Tirunelveli) Limited,
Tirunelveli.
2. The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar House,
(SETC Office Compound)
Pallavan Salai,
Chennai – 600 002.



WEB COPY



W.P.(MD).No.19320 of 2022

R.VIJAYAKUMAR,J.

ebsi

W.P(MD)No.19320 of 2022

21.08.2024