



W.P. No. 2091 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2025

CORAM

THE HON'BLE Ms. JUSTICE R.N.MANJULA

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1. M.Kasturi (Died)
2. M.Venkateshwaran
3. M.Vimala
4. M.Hemamalini
(P2 to P4 substituted as LR's of
Deceased P1 vide order dated
15.11.2022 in W.M.P.No. 24706/2022)

... Petitioners

-VS-

1. The Additional Chief Secretary,
Transport Department,
Fort St. George,
Chennai - 600 009.
2. Managing Director,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
No. 12, Ramakrishna Salai,
Salem - 636 007.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the first respondent to grant family pension based on the service of petitioner's late husband in the State Transport Department based on G.O.Ms.No.42, Transport dated 27.05.2005, fixing the cutoff date of his service in the Transport Department as



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31.03.1982 and to pay family pension to the petitioner as lifetime arrears of pensionary benefits and consequently to grant family pension to the petitioner from 02.02.1982, the date of the death of the petitioner's husband by following the judgments in W.A.No.1246 of 2009 dated 18.08.2010 and in W.P.No.33975 of 2005 dated 20.09.2011 and in W.P.No.35674 of 2005 dated 20.09.2011.

For Petitioners : Mr.P.Paramasiva Doss

For Respondents : Mrs.S.Anitha,
Special Government Pleader (for R1)

Mr.Aswin for TNSTC (for R2)

ORDER

This writ petition has been for seeking a direction to the first respondent to grant family pension based on the service of petitioner's late husband in the State Transport Department based on G.O. Ms. No.42, Transport dated 27.05.2005, fixing the cut-off date of his service in the Transport Department as 31.03.1982 and to pay family pension to the petitioner as lifetime arrears of pensionary benefits and consequently to grant family pension to the petitioner from 02.02.1982, the date of the death of the petitioner's husband by following the judgments in W.A.No.1246 of 2009 dated 18.08.2010 and in W.P.No.33975 of 2005 dated 20.09.2011 and in W.P.No.35674 of 2005 dated 20.09.2011.



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2. Heard Mr.P.Paramasiva Doss, learned counsel for the petitioner and

Mrs.S.Anitha, learned Special Government Pleader for the first respondent and

Mr.Aswin, learned counsel for the second respondent and perused the materials placed on record, apart from the pleadings of the parties.

3. The first petitioner's husband has joined as a Conductor on daily wage basis for 23 years in the respondent Corporation on 07.03.1969. His services were regularized on regular time scale of pay on 01.08.1970. Later, when the State Transport Corporation was formed, on 15.09.1975, the petitioner was absorbed in the newly formed Anna Transport Corporation, which is presently called as Tamil Nadu State Transport Corporation (Salem) Limited. The first petitioner's husband died on 19.12.1991. After the Tamil Nadu State Transport Department was wound up on 14.09.1975, the first petitioner's husband and other employees of the department have been absorbed in various Transport Corporations of the State. Accordingly, the first petitioner's husband was absorbed in the second respondent -Corporation. The first petitioner's husband was opted to receive pension as per G.O.Ms. No.378, Finance (FR-II) Department dated 18.04.1975. As the petitioner's husband died while in service,



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the first petitioner claimed his husband's death benefits, which is inclusive of gratuity and other monetary benefits and family pension. As the first petitioner's representation has not been considered so far, he has filed this writ petition seeking direction against the respondents.

4. The learned counsel for the second respondent submitted that the second respondent has to forward the pension proposal along with the service particulars of the deceased husband of the first petitioner to the first respondent, who has to sanction pension. Despite the first petitioner has given a representation as early as on 19.01.2017, no action has been taken. In fact, the first petitioner has also died and her legal heirs have been impleaded as the second to fifth petitioners.

5. As inordinate delay has caused in disbursing the pensionary benefits to the legal heirs of the deceased husband of the first petitioner (the second to fifth respondents) depending upon the eligibility of the deceased husband of the first petitioner, I feel appropriate direction should be given.



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WEB COPY 6. In the result, this writ petition is allowed and the second respondent is directed to forward the proposal to the first respondent within a period of two weeks from the date of receipt of a copy of this order and thereafter, the first respondent is directed to pass an order within a period of four weeks, thereafter on merits in accordance with law. No costs.

20.02.2025

Index: Yes/No

Index: Yes/No

Internet: Yes/No

Speaking /Non-speaking order

Maya

To

1. The Additional Chief Secretary,
Transport Department,
Fort St. George,
Chennai - 600 009.
2. The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
No. 12, Ramakrishna Salai,
Salem - 636 007.



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R.N.MANJULA, J.

Maya

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