



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2025

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THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.15967 of 2011

G.Maliga

... Petitioner

Vs.

1. The Secretary, Department of Transport,
Tamil Nadu State Transport Corporation, Chennai.

2. The Managing Director, Tamil Nadu State Transport Corporation,
Villupuram Division, Villupuram,
Villupuram District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the entire records in pursuant to the rejection order No. 7609/T/2011 dated 09.06.2011 issued by the first respondent and quash the same and direct the respondent to sanction and pay the family pension to the petitioner on account of the pensionable service rendered by the petitioner's deceased husband from 14.12.1972 to 06.07.1992 within a stipulate time.

For Petitioner

: M/s.Sri Ranjini
for Mr.T.P.Prabakaran

For R1

: Mr.V.Nanmaran,
Additional Government Pleader



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For R2

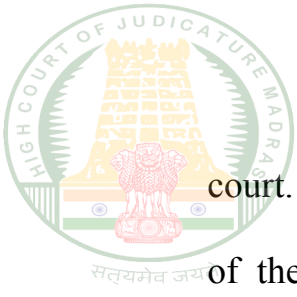
: Mr.M.Aswin

ORDER

The brief facts that are relevant for disposal of this writ petition are as under:-

1.1. The husband of the petitioner herein, by name Late S.P.Govindasamy, served in the Indian Army till the year 1972 and thereafter, joined as a 'Security Guard' in the respondent Corporation on 14.12.1972 and continued in the said post till the date of his demise on 06.07.1992. It was thereafter, the petitioner made a claim for payment of family pension to her from the Army and accordingly, she has been drawing the family pension. However, she was required to furnish an undertaking before the Army authorities stating that she is not going to draw any pension for the service rendered by her deceased husband in the respondent Corporation.

1.2. While the things stood thus, the petitioner, on coming to know that this court passed an order on 07.09.2010 in W.P.No.4117 of 2006 and batch, directing for payment of dual family pension to the widow, approached the respondent Corporation requesting for payment of family pension in respect of the service rendered by her deceased husband from 14.07.1972 to 06.07.1992 by placing reliance on the order dated 07.09.2010 passed by this



court. The respondent Corporation, having considered the said representation of the petitioner, rejected the same by passing the impugned order dated 09.06.2011, stating that the respondent Corporation has preferred an appeal against the order dated 07.09.2010 passed in W.P.No.4117 of 2006 and batch. It is aggrieved by the said order dated 09.06.2011, the petitioner approached this court by filing the present writ petition.

2. Heard M/s.Sri Ranjini for Mr.T.P.Prabakaran, learned counsel for the petitioner and Mr.V.Nanmaran, learned counsel for the Respondent No.1 and Mr.M.Aswin learned counsel for the Respondent No.2.

3. Though the respondents filed a counter-affidavit, nothing is indicated about the appeal said to have been filed by the respondent Corporation against the order dated 07.09.2010. In view of the same, this court, having considered the matter and after hearing the learned counsel for the petitioner on 05.06.2025, adjourned the same to today to enable the learned counsel appearing for the respondents to ascertain the status of the appeal said to have been filed by the respondent Corporation.



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4. Today, when the matter is taken up for consideration, it is brought to the notice of this court that there is no appeal that was filed against the order dated 07.09.2010 passed in W.P.No.4117 of 2006 and batch.

5. In view of the same, the reason assigned in the impugned order is totally false and as such, the impugned order cannot be sustained.

6. In view of the fact that the order dated 07.09.2010 passed by this court in W.P.No.4117 of 2006 and batch has attained finality, this court is of the considered view that the petitioner is also entitled for the same benefit and for drawing of dual family pension, irrespective of the undertaking said to have been given by her before the Army authorities.

7. A Co-ordinate Bench of this court, while passing the order dated 07.09.2010 in W.P.No.4117 of 2006 and batch, held as under:-

“25. In this case, the pensioners, while living, were granted Transport Corporation pension without counting their military service. The said position is not in dispute. The widows or other persons are getting family pension from the Central Government for the military service rendered by the pensioners. For the Central



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Government for the military service rendered by the pensioners. For the services rendered to the Transport Corporations, their widows and eligible wards are entitled to get family pension from the Transport Corporation also.

26. Bearing the above said principles and payment of family pension to the widows of the pensioners being not a charity, and the pensioners were paid both military pension and service pension during their lifetime, the respondents are bound to pay family pension to the petitioners herein, even though they are receiving military family pension after the demise of the pensioners. However, the family pensioners are eligible to get Dearness Allowance only for one pension (either for Military Family Pension or for Transport Corporation Pension) in terms of the Supreme Court judgments reported in 1995 (2) SCC 32 (Union of India vs. G.Vasudevan Pillay) and in 2000 (2) SCC 227 (Haryana S.E.B., vs. Azad Kaur)."

8. In the light of the above, the petitioner cannot be denied the family pension for the service rendered by her deceased husband from 14.07.1972 to 06.07.1992. Accordingly, the impugned order bearing கடித எண்.7609/17/2011 dated 09.06.2011, is quashed and the writ petition is **allowed**, directing the respondents to sanction and pay the family pension to the petitioner in respect of the service rendered by her deceased husband in the respondent Corporation from the date of death of the petitioner's husband on 06.07.1992,



as expeditiously as possible, at any rate within a period of two months from the date of receipt of a copy of this court. The arrears of the family pension shall also be paid to the petitioner within the time stipulated above. No costs.

Connected miscellaneous petitions, if any, shall stand closed.

17.06.2025

skr

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To

1. The Secretary, Department of Transport,
Tamil Nadu State Transport Corporation,
Chennai.
2. The Managing Director,
Tamil Nadu State Transport Corporation,
Villupuram Division, Villupuram,
Villupuram District.



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MUMMINENI SUDHEER KUMAR, J.

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