

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2015

CORAM

The Hon'ble Mr. Justice SATISH K.AGNIHOTRI
and
The Hon'ble Mr. Justice M. VENUGOPAL

W.A.No. 821 of 2015

and

M.P. No. 1 of 2015

1. The State of Tamil Nadu,
rep. By its Secretary to Government,
Revenue Department,
Secretariat, Chennai.9.
2. The Secretary to Government,
Finance Department,
Secretariat, Chennai.
3. The Principal Commissioner and
Commissioner of Revenue Administration,
Chepauk, Chennai.5.
4. The Revenue Divisional Officer,
Vriddhachalam, Cuddalore District.
5. The Tahsildar,
Tittagudi,
Cuddalore District.

... Appellants

Vs

1. R. Anjalam
2. The Accountant General,
Teynampet, Chennai.18.

... Respondents

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 10.02.2014 made in W.P.No. 10244 of 2012.

This petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus to direct the respondents to count the petitioner's husband earlier service rendered as Village Servant prior to 1.6.1995 along with regular service for the purpose of pension and also direct the respondents to issue a revised pension to the petitioner's husband in pursuant to the Hon'ble High Court order dated 9.11.2009 in W.P.No.27577 and pay arrears and further also direct the respondents to grant family pension to the petitioner as per the rules within a stipulated time.

For Appellants : Mr. P.S.Sivashanmugasundaram
Spl. Govt. Pleader

For Respondents :

JUDGMENT

(Judgment of the Court was delivered by Satish K.Agnihotri,J.)

This writ appeal has been filed questioning the legality and validity of the order dated 10.02.2014, passed by this Court in W.P. No. 10244 of 2012.

2. The issue as to whether the first respondent's husband was entitled to counting of his earlier service prior to 01.06.1995 when he was appointed as village servant, stood concluded by order dated 09.11.2009 rendered in W.P. No. 27577 of 2008. There being no appeal against the said order, the said order attained finality. The first respondent herein, who is the wife of the deceased Government servant, has sought a direction in the instant writ petition on the basis of the order (supra) passed in favour of her husband, inasmuch as after the death of her husband, the pension payable to him was discontinued.

3. The learned Single Judge, on consideration of all aspects of the matter, disposed of the writ petition, directing the first appellant to pass necessary orders as per the earlier order dated 09.11.2009 rendered in W.P. No. 27577 of 2008. The learned Single Judge further directed the fourth appellant to send the pension proposal within four weeks and a direction was issued to the Accountant General, Teynampet, Chennai-18, as well, to pass appropriate orders within a period of three weeks.

4. As aforestated, since the issue in respect of counting of period of service put in by the first respondent's husband prior to 01.06.1995 has already been concluded by this Court vide order dated 09.11.2009 rendered in W.P. No. 27577 of 2008, the same cannot be re-opened in the subsequent writ petition. Thus, we find no ground to interfere with the order passed by the learned Single Judge.

5. In the result, this writ appeal is dismissed. Consequently, M.P. No. 11 of 2015 is dismissed. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

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To

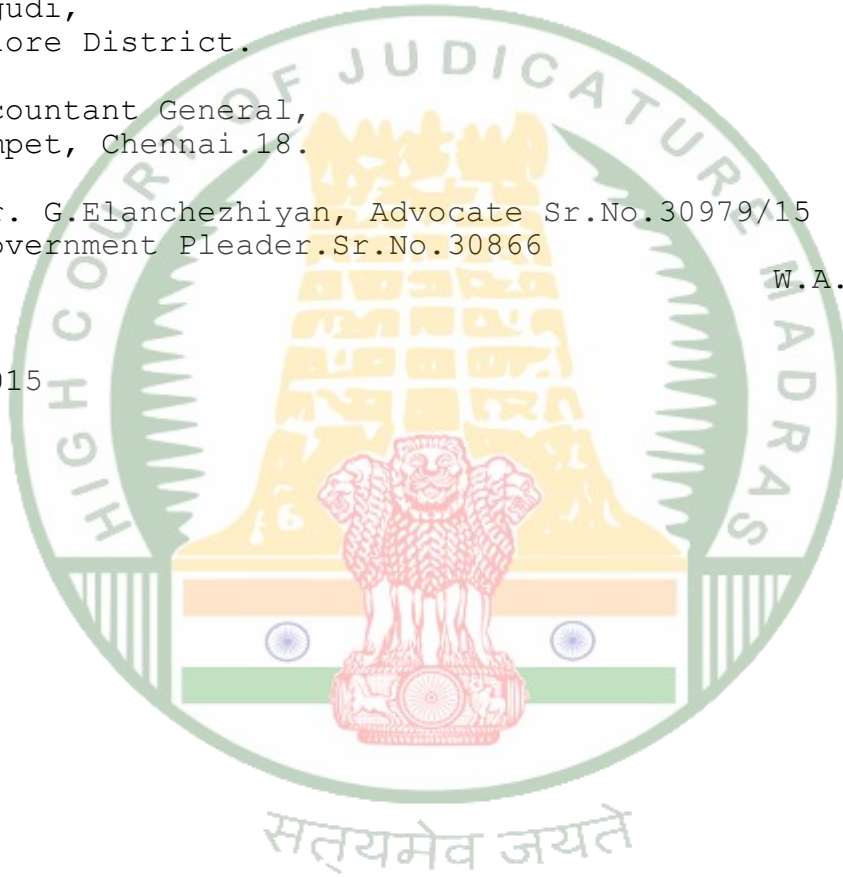
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6. The Accountant General,
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1 cc to Mr. G.Elanchezhian, Advocate Sr.No.30979/15
1 cc to Government Pleader.Sr.No.30866

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