IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2015

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.17739 of 2015

P.Subbulakshmi ... Petitioner

vs.

1. The Director General of Police,
   Chennai - 600 004.

2. The Commissioner of Police,
   City Police Office,
   Trichy City. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent herein to consider and pass orders on the petitioner's representation dated 24.1.2013 regarding family pension and other terminal benefits consequent to the demise of her husband within a time frame

For petitioner : Mr.G.Bala
for M/s.G.Bala and Daisy

For respondent : Mr.S.Gunasekaran,
Government Advocate

ORDER

This Writ Petition has been filed by P.Subbulakshmi, wife of late P.Perinbanathan, Ex.PC 2424, seeking for issuance of a writ of mandamus directing the first respondent to consider the representation dated 24.1.2013 wherein she has made request for payment of family pension and other terminal benefits consequent to the death of her husband.

2. Mr.S.Gunasekaran, learned Government Advocate, takes notice for the respondents.

3. The petitioner's husband was appointed as Grade II Constable on 9.6.1993. The petitioner's husband had put in more than 12 years of service in the Police Department. On 16.2.2005, he was served with a charge memo under rule 3(b) of TNPSS Rules in P.R.No.2/2005 for having absented duty from 31.10.2004 for more than 21 days. An oral enquiry was conducted and the charge levelled against the petitioner was held as proved by the enquiry officer.

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According to the petitioner, her husband was afflicted with HIV+ disease and therefore, he was absented from duty. On 3.8.2005, the Deputy Commissioner of Police, Crime & Traffic, Trichy City had imposed a punishment of reduction in time scale of pay by two stages for two years with cumulative effect. Subsequently, on 16.12.2005, the second respondent/the appellate authority had issued a suo moto show cause notice u/r.15A of The Tamil Nadu Police Subordinate Services (D&A) Rules 1955, to enhance the punishment. Since her husband was bedridden, he could not follow up with such disciplinary proceedings. The petitioner's husband was dismissed from service on 10.2.2006. After a prolonged illness and hospitalization, her husband passed away on 19.11.2010. After the death of her husband, she approached the authorities and requested for sanction of family pension.

4. Heard the learned Government Advocate on the above contention.

5. It is submitted by the learned Government Advocate that in view of the dismissal of the service of the petitioner's husband, the petitioner is entitled only to the contribution made by the petitioner's husband towards General Provident Fund, Special Provident Fund and the benefit of earned leave.

6. Therefore, the first respondent is directed to consider the representation of the petitioner dated 24.1.2013 with respect to those aspects and pass orders within a period of eight weeks from the date of receipt of a copy of this order. The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

asvm
Sub Assistant Registrar

To

1. The Director General of Police,
   Chennai - 600 004.

2. The Commissioner of Police,
   City Police Office,
   Trichy City.

+1cc to M/s.G.Bala & Daisy, Advocate, S.R.No.30638
+1cc to the Government Pleader, S.R.No.30877

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CA(CO)
CA(08/07/2015)

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