

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2015

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.22743 of 2015

M.Suseela

... Petitioner

Vs.

The Executive Officer,
Kaveripattinam Selection Grade
Town Panchayat,
Krishnagiri District.

.... Respondent

Prayer:

Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus to direct the respondent to consider and pass appropriate orders on petitioner's representation dated 6.7.2015 regarding to sanction of family pension and other terminal benefits (on account of disappearance of petitioner's husband Thiru. A.Madhesan, employed as Sanitary worker in the respondent office) as per Rule 49A of the Tamil Nadu Pension Rules, 1978.

For Petitioner : Mr.A.Baskaran

For Respondents : Mr.N.Srinivasan, AGP

ORDER

This writ petition has been filed by the petitioner seeking a direction to the respondent to consider and pass appropriate orders on petitioner's representation dated 6.7.2015, wherein the petitioner sought for an order to sanction of family pension and other terminal benefits, on account of disappearance of petitioner's husband Thiru. A.Madhesan, who was employed as Sanitary worker in the respondent office, as per Rule 49A of the Tamil Nadu Pension Rules, 1978.

2. Heard the learned counsel appearing for the petitioner.

3. Mr.N.Srinivasan, learned Additional Government Pleader taking notice for the respondent submitted that if the petitioner's name has been shown as nominee of her husband in the office records

of the respondent, she is entitled to get the benefit of family pension and also the terminal benefits.

4. Rule 49A of the Tamil Nadu Pension Rules reads as under:

'49-A. Benefits to the family of a disappearing Government servant. - When a Government servant disappears leaving his family, the family of such Government servant shall be entitled immediately for the payment of dues of salary leave encashment. General Provident Fund and Special Family Pension-cum-Gratuity and after lapse of a period of 2 (two years) of such disappearance, for the payment of dues of Death-cum-Retirement Gratuity and Family Pension in accordance with the nomination made such Government Servant, subject to the following conditions, namely. -

(i) a complaint must have been lodged with the police sanction concerned and a report obtained that the Government servant has not been traced despite all efforts made by the police; and

(ii) An indemnity bond must have been executed by the nominee or dependants of the such Government servant to the effect that all payments shall be adjusted against the payment due to such Government servant in case he appears later and makes any claim.'

5. On a reading of the above Rule 49A, this Court finds that the Rule supports of the case of the petitioner.

6. Therefore, a direction is hereby issued to the respondent to consider the representation dated 6.7.2015 made by the petitioner and pass orders on merits and in accordance with law within a period of three weeks from the date of receipt of copy of this order.

The writ petition is disposed of accordingly. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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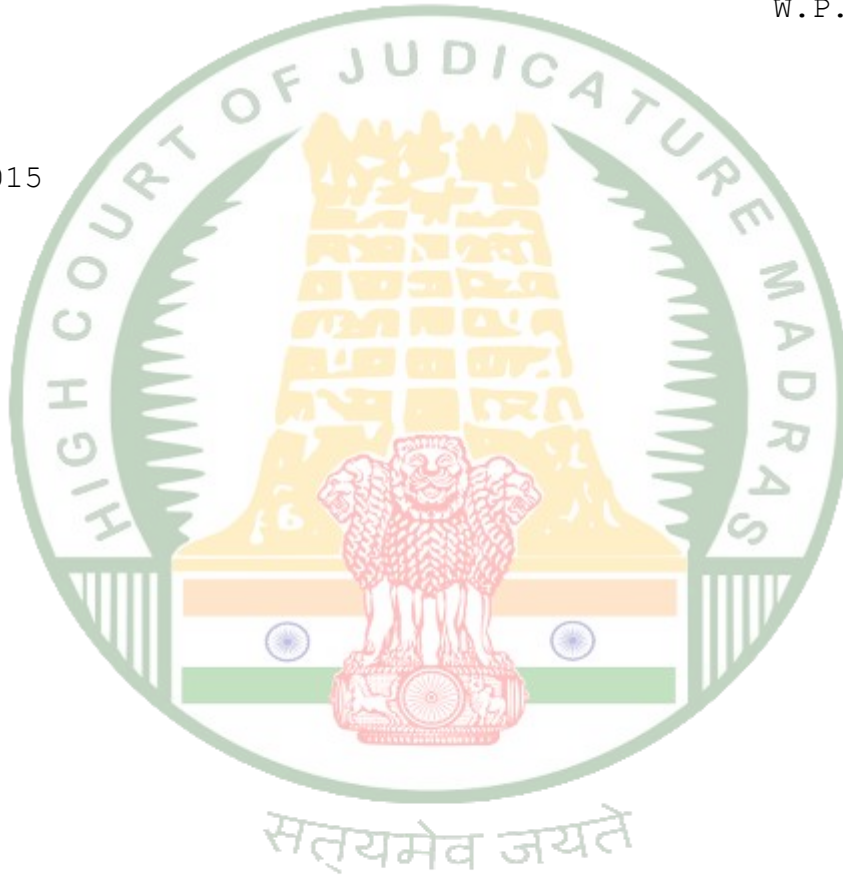
To

The Executive Officer,
Kaveripattinam Selection Grade
Town Panchayat,
Krishnagiri District.

+1 cc to Mr.A.Baskaran Advocate sr.38083

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