

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 26.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.33772 of 2015

J.Jothi .. Petitioner

v.

- 1 The Government of Tamil Nadu
Represented by its Secretary
Education Department
Fort St. George, Chennai 600 009.
 - 2 The Director of School Education
DPI Complex, College Road
Chennai 600 006.
 - 3 The Assistant Educational Officer
Koniyanar, Villupuram District.
 - 4 The District Treasury Officer
Villupuram, Villupuram District.
- .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the Respondents herein to extend the benefit of G.O. Ms.No.363 Finance (PGC) Department, dated 23.08.2013 as applicable to all those employees retired between 01.06.1988 and 31.12.1995 and extend the benefits as granted in G.O. Ms.No.68 Finance (PGC) Department dated 12.03.2015 to the petitioner herein

For Petitioner : Mr.K.Raja

For Respondents : Mr.R.Vijayakumar,
Addl. Govt. Pleader

ORDER

By consent, the writ petition is taken up for final disposal.

2. The grievance expressed by the petitioner is that her husband attained superannuation as Headmaster in Education Department on 31.07.1990 and after his demise on 8.4.2006, she is getting family pension till date through PPO No. FA456727. The 1st respondent issued G.O.Ms.No.363

Finance (PGC) Department, dated 23.08.2013 in accordance with G.O.Ms.No.272 Finance (Pension) Department, dated 15.06.1998 wherein merger of entire Dearness Allowance as Dearness Pay was ordered. However, the benefit of the said Government Order was not given to the petitioner and others. Hence, one Subbulakshmi filed W.P.[MD] No.10031/2005 wherein a direction was issued to the respondents to revise her family pensionary benefits in accordance with G.Os and pay arrears. In compliance to the said order, Government issued G.O.Ms.No.68 Finance (PGC) Department, dated 12.03.2015 granting the benefits. The petitioner is also similarly placed. Hence, in this regard, she has submitted a representation dated 20.07.2015 to the respondents and since she has not been favoured with any response, came forward to file the present writ petition.

3. Mr.K.Raja, learned counsel for the petitioner would submit that G.O.Ms.No.68 Finance (PGC) Department, dated 12.03.2015 is fully applicable to the case of the petitioner and hence, the petitioner is entitled to get similar benefit and prays for appropriate orders.

4. The court heard the submissions of Mr.R.Vijayakumar, learned Additional Government Pleader who accepts notice on behalf of the respondents.

5. Though the petitioner has prayed for a larger relief, this Court, in the light of the facts and circumstances, directs the 1st respondent to consider and dispose of the petitioner's representation dated 20.07.2015 on merits and in accordance with law and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

The writ petition is disposed of accordingly. No costs.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Rj

To

- 1 The Secretary to Government of Tamil Nadu
Education Department
Fort St. George, Chennai 600 009.
- 2 The Director of School Education
DPI Complex, College Road
Chennai 600 006.
- 3 The Assistant Educational Officer
Koniyanar, Villupuram District.
- 4 The District Treasury Officer
Villupuram, Villupuram District.

+1cc to Mr.K. Raja, Advocate, S.R.No.58121
+1cc to the Government Pleader, S.R.No.58105

SAI (CO)
EU(17/11/2015)

W.P.No.33772 of 2015



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