



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.02.2015

CORAM :

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition (MD) No.14298 of 2014

M.Mahamuthal

...Petitioner

Vs.

1.The Secretary to Government of Tamil Nadu,
Finance Department,
St.George, Fort,
Chennai.

2.The Principal Accountant,
General of Tamil Nadu,
(Accounts & Entitlement),
361, Anna Salai,
Chennai 600 018.

3.Directorate of Pension,
259, Anna Salai, 3rd Block,
2nd Floor, Teynampet,
Chennai 600 006.

4.The Assistant Elementary Educational Officer,
Thenkasi,
Tirunelveli District.

...Respondents

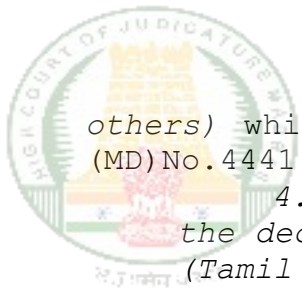
Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to consider the petitioner's husband Mohideen Pitchais total service as Lab Assistant and Junior Assistant render before 4th respondent from 20.6.1980 to 31.3.1997 after the retirement of his Military Service and grant the Family pension and other arrears that the petitioner's husband and the petitioner is entitled to get on retirement of the petitioner's husband's from his service on 31.3.1997 and on death of the petitioner's husband on 23.11.2000 with interest at the rate of 18% per annum.

For Petitioner	: Mr.P.Pethu Rajesh
For Respondents 1,3&4	: Mr.S.Kumar,
	Additional Government Pleader.
For 2 nd Respondent	: Mr.P.Gunasekaran

ORDER

The petitioner seeks for a Mandamus to consider the petitioner's husband Mohideen Pitchai's total service as Lab Assistant and Junior Assistant rendered before the fourth respondent from 20.6.1980 to 31.3.1997 after the retirement of his Military Service and grant family pension and other arrears with interest at the rate of 18% per annum.

2.Learned counsel for the petitioner submits that the issue <https://hc.services.cerudts.gov.in/hc/services/> case is squarely covered by the earlier order passed by this Court reported in 2010 (2) CWC 555 (Tamil Nadu Arasu Pokkuvarathu Madurai Thozhilalar Sangam and another Vs.Government of Tamil Nadu and



others) which in fact was followed by me earlier while disposing of W.P (MD)No.4441 of 2013 wherein in paragraphs 4 to 7, it is held as follows:

4. The issue involved in this case is squarely covered by the decision rendered by this Court reported in 2010 (2) CWC 555 (Tamil Nadu Arasu Pokkuvarathu Madurai Thozhilalar Sangam and another Vs. Government of Tamil Nadu and others) followed in another Writ Petition(MD)No.2583 of 2012, dated 04.02.2013.

5. A perusal of the decision rendered in 2010 (2) CWC 555 (Tamil Nadu Arasu Pokkuvarathu Madurai Thozhilalar Sangam and another Vs. Government of Tamil Nadu and others) would show that the learned Judge has considered the relevant rules and after elaborate discussions of facts and circumstances, directed the sanction of family pension to the widow of the retired employee therein. The said decision was subsequently followed in W.P(MD) No.2583 of 2012, dated 04.02.2013.

6. The learned counsel appearing for the respondents also fairly submitted that the issue involved in this case is squarely covered by the above decisions.

7. Considering the above said facts and circumstances and by following the above decisions rendered by this Court, the Writ Petition is allowed and the respondents are directed to give and continue to pay the family pension to the petitioner as granted to her husband, with all arrears from 24.01.2010 onwards within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed

3.Learned counsel appearing for the second respondent fairly submitted that the issue involved in this case is squarely covered in favour of the petitioner in the above said decision.

4.Considering the above stated facts and circumstances, I am of the view that the petitioner is also entitled to get the very same benefit. Accordingly, the writ petition is allowed with the following directions:-

"a)The representation given by the petitioner on 07.08.2014 to the fourth respondent seeking for family pension shall be considered and appropriate proposal shall be made by the fourth respondent to the second respondent within a period of four weeks from the date of receipt of a copy of this order.

b)On receipt of such proposal, the second respondent shall pass necessary orders granting family pension in respect of civil services of the petitioner's deceased husband within a period of four weeks thereafter". No costs.

Sd/-

Assistant Registrar(Crl.side)

/True copy/

Sub Assistant Registrar

To

1.The Secretary to Government of Tamil Nadu,
Finance Department, St.George, Fort,

Chennai



2.The Directorate of Pension,
259, Anna Salai, 3rd Block,
2nd Floor, Teynampet,
Chennai 600 006.

3.The Assistant Elementary Educational Officer,
Thenkasi,
Tirunelveli District.

4.The Principal Accountant,
General of Tamil Nadu,
(Accounts & Entitlement),
361, Anna Salai,
Chennai 600 018.

+1CC to M/s.M.P.Pethu Rajesh, Advocate in SR.8355
+1CC to the Special Government Pleader in SR.8906

Writ Petition (MD) No. 14298 of 2014
23.02.2015

sms
PBK 02/03/2015 ::3P-7C: