

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.32877 of 2016

G.Ruth Arputham

... Petitioner

Vs.

1. The Secretary to Government,
Health and Family Welfare
Department,
Fort St. George, Chennai-9.

2. Director of Public Health and Family
Welfare,
Chennai-6.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the second respondent herein to consider and pass orders on the petitioner's representation dated 23.8.2015 with regard to sanction of family pension within a time frame as deem fit and proper by this Court.

For Petitioner : M/s.G.Bala and Daisy

For Respondents : Mr.R.Rajeswaran,
Special Government Pleader

ORDER

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

2. The petitioner has come up with the present writ petition for a mandamus, directing the second respondent to consider and pass orders on her representation dated 23.8.2015 with regard to sanction of family pension within a time frame stipulated by this Court.

3. It is the case of the petitioner that her husband G.Ganapathy was appointed as Watchman in Government Hospital,

Trichy District in the year 1960 and thereafter, he had been appointed in a permanent post in the respondent department and was granted selection grade pay with effect from 1.10.1978 in the post of Watchman. While so, he fell sick on 10.10.1981 and had undergone prolonged treatment for his neurological and physiological illness. He had submitted application for leave on medical grounds. However, he was issued with a charge memo for having absented from duty without leave or permission. Later, he was removed from service on 3.4.1990. Challenging the same, her husband preferred an appeal before the second respondent. Since no orders were passed on the said appeal, he filed an application before the Tamil Nadu Administrative Tribunal in O.A.No.1498 of 1991 and pending the said OA, the petitioner's husband died and the stage of the original application is not known to the petitioner. Admittedly, her husband was in service from 1960 to 30.4.1990 and as per the provisions of the pension rules, the respondents are competent to provide compassionate allowance not exceeding 2/3rd of the pension or gratuity or both to a government servant, who was dismissed or removed from service. Narrating all the above facts, the petitioner submitted a representation dated 23.8.2015 to the respondents and prayed for sanction of pension. Since the same was not considered so far, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioner and the learned Special Government Pleader, who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim projected by the petitioner, this Court directs the petitioner to give a fresh representation giving all the details to the first respondent along with a copy of this order within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the first respondent is directed to consider the representation seeking pension and pass appropriate orders, on merits and in accordance with law, within a period of six weeks thereafter. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sbi

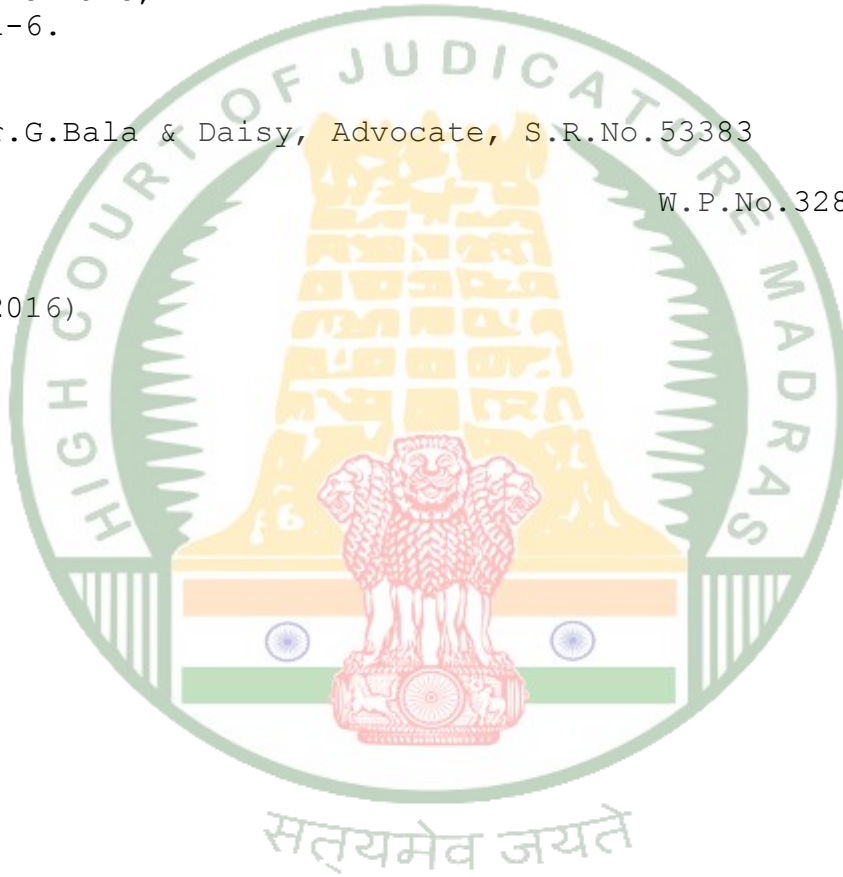
To

1. The Secretary to Government,
Health and Family Welfare
Department,
Fort St. George, Chennai-9.
2. The Director of Public Health and Family
Welfare,
Chennai-6.

+1cc to Mr.G.Bala & Daisy, Advocate, S.R.No.53383

W.P.No.32877 of 2016

NR(CO)
CA(07/10/2016)



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