

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.33300 of 2016 &
WMP No. 28772 of 2016

S.Lakshmi Ammal

[PETITIONER]

Vs

1. The Government of Tamil Nadu
rep. by its Secretary
Tamil Development and Culture Department
St.George Fort, Chennai-9.
2. The Director of Tamil Development
Halls Road,
Chennai 600 008.
3. The District Collector
Tiruvallur District
Tiruvallur.

[RESPONDENTS]

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, to direct the respondents to sanction arrears of pension to the petitioner with effect from 01.01.2000 instead of paying from 21.04.2006 under the Tamil Nadu Payment of Pension to Tamil Scholars and Miscellaneous Provisions Act, 1983.

For Petitioner :Mr.K.Sathish Kumar

For Respondents :Mr.A.N.Thambidurai
Spl.Govt. Pleader

O R D E R

Heard Mr.K.Sathish Kumar, learned counsel is appearing for the petitioner and Mr.A.N.Thambidurai, learned Special Government Pleader, appearing for the respondents and with the consent of the learned counsel appearing on either side, the Writ Petition itself is taken up for final disposal.

2.The petitioner submits that the pension amount of Rs.4,000/- per month was sanctioned to her husband with effect from 21.04.2006, under the provisions of Tamil Nadu Payment of Pension to Tamil Scholars and Miscellaneous Provisions Act, 1983, and since her husband died on 19.07.2007/-, the petitioner submitted a representation dated 10.12.2008, for sanction of family pension from the date of her representation, however, the same was sanctioned with effect from 07.05.2013, i.e. the date on which the Government Order in G.O.Ms.No.118, Tamil Development and Culture Department was passed. In fact to claim the said amount sanctioned by the Government Order, the petitioner had to come before this Court in W.P.No.4062 of 2016, which was disposed of by an order dated 03.02.2016. Only pursuant to the said direction, the pension was sanctioned and paid, though the Government Order was passed as early as on 07.05.2013. But, the grievance of the petitioner is that all similarly placed persons were entitled to the said benefit from the date of their Applications, which was pursuant to the direction issued by this Court in a batch of cases in W.P.Nos.3663 of 2013 etc. batch, wherein this Court issued the following directions:

"10.Considering the issue, which is already settled by this Court granting relief of sanction of arrears of Tamil Scholar pension from 01.01.2000 and having regard to the submission of the learned counsel for the petitioners that the petitioners in W.P.Nos.4647 to 4649 of 2013 are restricting their claim of arrears of Tamil Scholar pension only from 01.01.2000 and also of the fact that the petitioners in W.P.Nos. 3663 and 3664 of 2013 have submitted their applications, only on 25.11.2002 and 29.6.2001 respectively, these writ petitioners are allowed by giving direction to the respondents to sanction arrears of Tamil Scholar pension to the petitioner in W.P.No.3663 of 2013 from 25.11.2002 and to the petitioner in W.P.No.3664 of 2013 from 29.6.2001 till the date of sanction of Tamil Scholar pension based on the respective Government Order. Insofar as the petitioners in W.P.Nos.4647 to 4649 of 2013 are concerned, the respondents are directed to sanction arrears of Tamil Scholar Pension from 01.01.2000 to 21.04.2006. The arrears payable to each of the petitioner shall be calculated and paid by the respondents, within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petitions are closed.

With these facts, the petitioner submitted a representation on 20.06.2016, which is pending before the respondents and in particular before the second respondent.

3. In the light of the above, there will be a direction to the second respondent to consider the petitioner's representation dated 20.06.2016, and pass orders on merits and in accordance with law, by taking note of the above referred decision and the directions shall be complied with by the second respondent, 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.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

- 1 The Government of Tamil Nadu
rep. by its Secretary
Tamil Development and Culture Department
St. George Fort, Chennai-9.
2. The Director of Tamil Development
Halls Road,
Chennai 600 008.
3. The District Collector
Tiruvallur District
Tiruvallur.

+1cc to Mr.K.Sathish kumar, Advocate Sr.54154
+1cc to the Government Pleader Sr.54485

W.P.No.33300 of 2016

gj ii[co]
srg 19/10/2016