

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.35559 of 2016

P.Subedha

... Petitioner

vs.

1. The District Collector,
Krishnagiri District.
2. The Tahsildar,
Denkanikottai,
Krishnagiri District.
3. The Accounts Officer,
Office of the Principal Account General
(Account & Entitlements) Tamil Nadu,
No.361, Anna Salai,
Chennai - 600 018. Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the 1st respondent herein to consider the petitioner's representation dated 29.02.2016, for grant of family pension and all other terminal benefits due and payable on account of death of late Piyaarusahib, former Village Assistant of Mallikarjuna Village within the time fixed by this Court.

For Petitioner :

Mr.R.Bharath Kumar

For Respondents :

Mr.S.N.Parthasarathi,
Govt. Advocate.

1 & 2

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 Writ of Mandamus, directing the 1st respondent herein to consider the petitioner's representation dated 29.02.2016, for grant of family pension and all other terminal benefits due and payable on account of death of late Piyyarusahib, former Village Assistant of Mallikarjuna Village.

3. It is the case of the petitioner that her husband, who was working as a Village Assistant at Maligarjunadurgam Village, Denkanikottai Taluk, Krishnagiri District has retired from service on 30.06.2001. He died on 08.05.2003 leaving behind the petitioner and their two sons and two daughters, as his legal heirs. The petitioner is entitled for family pension payable on account of death of her husband. The petitioner made several representations to the respondents 2 and 3 to process the application for family pension. But no action has been taken on the said representation. The Government by an order in G.O.3D No.9, Revenue (Ser 7(1) Department) dated 28.02.2006 has approved the Tamil Nadu Village Assistant Pension Rules 1995 and thereby allowed the Village Assistants to avail pension. On the basis of the said Government Order, the petitioner sent a representation dated 29.02.2016 to the first respondent, but no action has been taken on the said representation. Hence, the petitioner has come forward with the present petition.

4. Considering the facts and circumstances of the case and considering the submissions made on either side, since the representation is pending from 29.02.2016 on wards, this Court directs the first respondent to consider the representation of the petitioner dated 29.02.2016 with regard to grant of family pension and all other terminal benefits due and payable to the petitioner on account of death of late Peiyarusahib, former Village Assistant of Mallikarjuna Village and pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion with regard to the claim projected by the petitioner and it is for the first respondent to consider the claim of the petitioner strictly on merits and in accordance with law.

5. With the above direction, this petition is disposed of. No costs.
mrp

-Sd/-
Assistant Registrar

// True Copy //

Sub Assistant Registrar

To

1. The District Collector,
Krishnagiri District.
2. The Tahsildar,
Denkanikottai,
Krishnagiri District.
3. The Accounts Officer,
Office of the Principal Account General
(Account & Entitlements) Tamil Nadu,
No.361, Anna Salai,
Chennai - 600 018.

+ 1 cc to MR.R.Bharath kumar, Advocate Sr.No.57636
+ 1 cc to The Government Pleader Sr.No.57846

W.P.No.35559 of 2016

GR(C)
RRI 15/11/2016

सत्यमेव जयते

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