

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.4062 of 2016
and WMP.No.3402 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 Accountant General
Teynampet, Chennai-18.

3.The Treasury Officer
District Treasury
Tiruvallur, Tiruvallur District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the third respondent to release the payment of monthly pension along with arrears to the petitioner as per G.O.(Ms) No.118, Tamil Development and Culture (Thaval-2) Department, dated 07.05.2013 and also pay the interest from the date of the said G.O. to till date, the said interest shall be recovered from the concerned officer who is responsible for not disbursing the same.

For Petitioner : Mr.K.Sathish Kumar

For respondents: Mr.P.Karthikeyan
Government Advocate

O R D E R

With the consent of both sides, this Writ Petition is taken up for final disposal.

2. This Writ Petition has been filed to direct the third respondent to release the payment of monthly pension along with arrears to the petitioner as per G.O.(Ms)No.118, Tamil Development and Culture (Thaval-2) Department, dated 07.05.2013 and also pay the interest from the date of the said G.O. to till

date, the said interest shall be recovered from the concerned officer who is responsible for not disbursing the same.

3. The petitioner's husband late A.M.Subramani has participated in Ellai Porattam and he was imprisoned for some time, for which, he is entitled to get sanction of pension under the provisions of Tamilnadu Payment of Pension to Tamil Scholars and Miscellaneous Provisions Act, 1983 and the rules framed thereunder. The petitioner's husband applied under the said pension scheme and he was sanctioned a pension of Rs.4,000/- per month plus Rs.15/- as medical allowance from 21.04.2006. While so, the petitioner's husband died, thereafter, the petitioner made representation dated 10.12.2008 to pay the family pension to her under the said scheme. But the 1st respondent on receipt of such representation has not passed any order. Hence the petitioner has approached this Court by way of Writ Petition in W.P.No.253 of 2010 to direct the 1st respondent herein to sanction life time arrears from the date of the death of her husband from 21.04.2006 to 19.07.2007, thereafter the family pension at Rs.2,000/- p.m. from 20.07.2007 to continue till her life time (with arrears for the past period). The said Writ Petition was disposed of by directing the 1st respondent herein to consider and dispose of the representation of the petitioner dated 10.12.2008. On receipt of the Order, the 1st respondent has passed G.O.Ms.No.118, Tamil Development and Culture Department and, dated 07.05.2013 sanctioning full pension during the life time of the petitioner's husband and calculated the arrears of pension between the period 04.01.2007 and 19.07.2007 and thereafter from 20.07.2007 onwards sanctioned family pension to the petitioner along with arrears.

4. Thereafter, the petitioner has approached the 3rd respondent several times to sanction the arrears and pay the regular pension to her. Since no action was taken by the 3rd respondent, the petitioner has come forward with the present Writ Petition.

5. When the matter was taken up for consideration, the learned counsel for the petitioner reiterates the averments made in the affidavit filed in support of this petition.

6. The learned Government Advocate has submitted that the petitioner is eligible for pension.

7. In view of the submission made by the learned Government Advocate, this Court directs the 3rd respondent to release the payment of monthly pension along with arrears to the petitioner as per G.O.(Ms)No.118, Tamil Development and Culture (Thaval-2) Department, dated 07.05.2013 and also pay the interest from the date of the said G.O. to till date, within a period of four weeks from the date of receipt of copy of the order.

8. With the above observation, this Writ Petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1.The Secretary,
The Government of Tamil Nadu,
Tamil Development and Culture Department,
St.George Fort,
Chennai-9.

2.The Accountant General,
Teynampet, Chennai-18.

3.The Treasury Officer,
District Treasury,
Tiruvallur,
Tiruvallur District.

+1cc to Mrs.P.Mahalakshmi, Advocate, S.R.No.6865
+1cc to the Government Pleader, S.R.No.7229

सत्यमेव जयते

W.P.No.4062 of 2016
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kji(CO)
srg(19/02/2016)

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