

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2016

CORAM

THE HON'BLE Mr. JUSTICE M.SATHYANARAYANAN

W.P.No. 42767 of 2016

E.Lakshmi

...Petitioner

-Vs-

1. The Government of Tamil Nadu,
rep. by the Secretary to Government,
Municipal Administration & Water Supply
Department,
Fort St.George,
Chennai - 600 009.
2. The Commissioner,
Municipal Administration Department,
Ezhilagam,
Chepauk,
Chennai - 600 005.
3. The Commissioner,
Maraimalai Nagar Municipality,
Maraimalai Nagar,
Kancheepuram District - 603 209.
4. The Director of Local Fund Audits,
4th Floor, Kuralagam,
Chennai - 600 108.

...Respondents

This petition is filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus directing the respondents 2 and 3 to consider and dispose of the petitioner's representation dated 18.10.2016 and sanction family pension to the petitioner with arrears of pension within a time frame.

For Petitioner	:	Mr.K.M.Ramesh
For Respondents	:	Mr.R.A.S.Senthilvel, Addl.Govt.Pleader

O R D E R

By consent, the writ petition is taken up for final disposal. Mr.R.A.S.Senthilvel, learned Additional Government Pleader accepts notice on behalf of the respondents.

2. The petitioner would state that he is the legally wedded wife of K.Elumalai whose name was sponsored by Employment Exchange and was engaged as Lineman from 05.11.1990 on daily wage basis by Maraimalai Nagar Town Pancayat and her husband was paid a consolidated salary of Rs.2,000/- with effect from 01.10.2000 as per G.O.Ms.No.72, Municipal Administration and Water Supply Department dated 05.05.1998 by Maraimalai Nagar Town Pachayat and subsequently, the local body became Municipality. The service of the petitioner's husband was regularised as per G.O.Ms.No.21 Municipal Administration and Water Supply Department dated 23.02.2006 and he was given time scale of pay of Rs.2750-70-3800-75-4400 by proceedings of the 3rd respondent dated 27.02.2006. Though his service has to be regularised on completion of three years of service in terms of G.O.No.72 Municipal Administration and Water Supply Department dated 05.05.1998, regularisation was done only with effect from 23.02.2006 and according to the petitioner, G.O.Ms.No.259, dated 06.08.2003 is not applicable to the petitioner for the reason that the service of the petitioner's husband was regularised by virtue of G.O.Ms.No.21 dated 23.02.2006 and as such, the Old Pension Scheme is applicable. It is further submitted by the learned counsel for the petitioner that the claim of the petitioner for Family Pension under the Old Pension Scheme is fully covered by the judgement rendered by the Division Bench of this Court made in W.A.(MD) No.1026 of 2015 dated 30.09.2015. He would further submit that in similar facts and circumstances, this Court has disposed of W.P.No.12548 of 2015 filed by A.Murugan, by order dated 23.07.2015 and prays for appropriate orders.

3. This Court heard the submission of the learned counsel for the petitioner and Mr.R.A.S.Senthilvel, learned Additional Government Pleader appearing for the respondents.

4. Though the petitioner prays for larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim made by the petitioner, directs the 2nd and 3rd respondents to consider and dispose of the petitioner's representation dated 18.10.2016 on merits and in accordance with law and pass orders within a period of twelve weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.

The writ petition is disposed of accordingly. No costs.

Sd/-
ASST. REGISTRAR

/TRUE COPY/

SUB ASST. REGISTRAR

To

1. The Secretary to Government,
Municipal Administration & Water Supply
Department, Fort St.George, Chennai - 600 009.

2. The Commissioner,
Municipal Administration Department,
Ezhilagam, Chepauk, Chennai - 600 005.

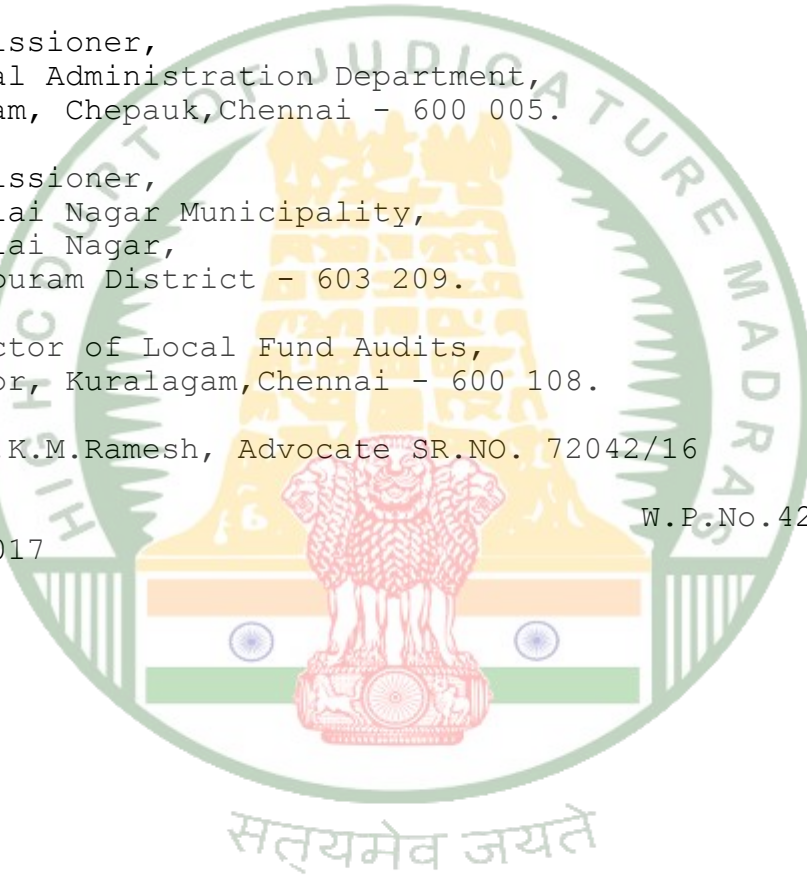
3. The Commissioner,
Maraimalai Nagar Municipality,
Maraimalai Nagar,
Kancheepuram District - 603 209.

4. The Director of Local Fund Audits,
4th Floor, Kuralagam, Chennai - 600 108.

+1 cc to Mr.K.M.Ramesh, Advocate SR.NO. 72042/16

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MMP 04.01.2017



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