



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 05.08.2016

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WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDARW.P (MD) No.10366 OF 2013

D.Amutha

..Petitioner

.-Vs.

1.The Director General of Police,
O/o The Director General of Police,
Beach Road,
Chennai.

2.The Superintendent of Police,
O/o The Superintendent of Police,
Tirunelveli District,
Tirunelveli.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in Na.Ka.No.F1/18397/2013 dated 22.04.2013 on the file of the Respondent No.2 and quash the same as illegal and consequently directing the Respondent No.2 to provide compassionate allowance to the petitioner as per Rule 40(1) of the Tamil Nadu Pension Rules, 1978 within the time stipulated by this Court as this Court may deem fit and proper.

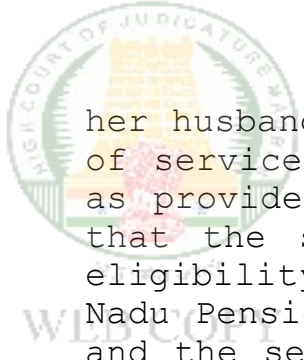
For Petitioner :Mr.T.Lajapathi Roy

For Respondents:Mr.Aaiyram K.Selvakumar
Govt.Advocate.ORDER

The petitioner has filed this Writ Petition seeking a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in Na.Ka.No.F1/18397/2013 dated 22.04.2013 on the file of the Respondent No.2 and quash the same as illegal and consequently directing the Respondent No.2 to provide compassionate allowance to the petitioner as per Rule 40(1) of the Tamil Nadu Pension Rules, 1978.

2. Heard the learned Counsel appearing for the petitioner and <https://hcses.lawsonline.in/hcses/> Government Advocate appearing for the respondents.

3. The impugned order rejecting the application of the petitioner reads as if the petitioner is not entitled to because



her husband was terminated from his service. However, termination of service ipso facto does not disentitle compassionate allowance as provided under Rule 40(1). From the impugned order it is seen that the second respondent has not applied his mind as to the eligibility of the petitioner in terms of Rule 40(1) of the Tamil Nadu Pension Rules, 1978. Hence, the impugned order is set aside and the second respondent is directed to consider the application of the petitioner afresh in the light of Rule 40(1) of the Tamil Nadu Pension Rules, 1978, and pass appropriate orders on the same on merits and in accordance with law after affording an opportunity of hearing to the petitioner within a period of eight weeks from the date of receipt of a copy of this order.

4. With the above directions, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CSII)

/True Copy/

Sub-Assistant Registrar

To

1. The Director General of Police,
O/o The Director General of Police,
Beach Road,
Chennai.

2. The Superintendent of Police,
O/o The Superintendent of Police,
Tirunelveli District,
Tirunelveli.

+One cc to Mr. T. Lajapathi Roy, Advocate, SR.No.42500

gsr

RL/4C/2P/DB/12/8/2016

W.P (MD) No.10366 OF 2013