

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.4422 of 2017

P.Arukkani

...Petitioner

Vs

1. The District Collector,
Nilgiris District,
Udhagamandalam.
2. The Revenue Divisional Officer,
Cunoor,
Nilgiris District.
3. The Thasildar,
Taluk Office,
Kothagiri,
Nilgiris District.

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents herein to consider the representation of the petitioner dated 11.12.2014 and 05.10.2015 as forwarded by the second respondent by proceedings in Ne.Mu.Ka.A1-5946/14 dated 08.03.2015 and further proceedings of the third respondent in Na.Ka.No.A1/02/2015 dated 07.10.2015 in respect of payment of Special Family Pension to the petitioner due to the death of her husband late M.Pichaimuthu, Former Village Assistant having worked for 23 years as Temporary Village Assistant and for 4 ½ years as Village Assistant of Jakkannarai Village.

For Petitioner : Mr.G.Arul Murugan
For Respondent : Mr.P.Sanjay Gandhi
Additional Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal.

2. The petitioner would aver that her husband M.Pichaimuthu was appointed as Village Assistant of Jakkanari Village, Kothagiri Taluk during the year 1972 and worked as Temporary Village Assistant from 1972 to May 1995 and on 01.06.1995, was permanently appointed as Village Assistant and worked in Jakkanari Village, Kothagiri Taluk and died in harness on 16.01.2000. The petitioner would further aver that her husband rendered 28 years of unblemished service and after his demise, she is entitled to family pension as being paid to all other family members of the deceased Village Administrative Officers and it is also governed by G.O.MS.No.9, Revenue Department dated 24.01.2008. The petitioner in this regard was repeatedly approaching the concerned officials. The office of the first respondent vide memo dated 27.06.2009 directed the petitioner to approach the Thasildar, Kothagiri. The Revenue Divisional Officer, Nilgiris also sent a communication dated 08.03.2015 to the office of the Tahsildar, Kothagiri in proceedings No.Ne.Mu.Ka.A1-5946/14, asking to forward the proposal as to the family pension of the petitioner in the light of the G.O.Ms.No.40, Revenue Department dated 24.01.2008. The Tahsildar, Kothagiri in turn vide proceedings dated 07.10.2015 in Na.Ka.No.A1/02/2015 requested the office of the Collector, Udhagamandalam to forward the service register of the deceased in order to submit proposal to address the grievance of the petitioner. Once again the office of the Revenue Divisional Officer has sent a memo dated 16.10.2014 to the Tahsildar, Kothagiri to take expeditious action.

3. Mr.G.Arul Murugan, learned counsel appearing for the petitioner would submit that despite the above communication, so far no order has been passed conferring the benefit of the special family pension payable to the petitioner, the petitioner is constrained to approach this court by filing this writ petition.

4. Heard Mr.P.Sangay Gandhi, learned Additional Government Pleader who takes notice on behalf of respondents.

5. This Court considered the rival submissions and perused the typed set of documents.

6. Though the petitioner prays for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the first respondent, the District Collector, Nilgiris District, Udhagamandalam to respond to the communication dated 07.10.2015 in Na.Ka.No.A1/02/2015 sent by the third respondent and forward the service register of the deceased Pichaimuthu to the third respondent within a period of four weeks from the date of receipt of a copy of this order and the third respondent upon receipt of the same is directed to

send the necessary proposal through proper channel to the first respondent within a further period of six weeks from the date of receipt of the service register of the deceased and upon receipt of the proposal from the third respondent, the first respondent is directed to consider the same and pass orders on merits and in accordance with law within a period of six weeks thereafter and communicate the decision taken to the petitioner. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

vsi

To

1. The District Collector,
Nilgiris District,
Udhagamandalam.
2. The Revenue Divisional Officer,
Cunoor,
Nilgiris District.
3. The Thasildar,
Taluk Office,
Kothagiri,
Nilgiris District.

+1cc to Mr.Arul Murugan, Advocate, S.R.No.11257

SV(CO)
RS(20/03/2017)

सत्यमेव जयते

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