

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.06.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.11931 of 2017

V.Suguna

.. 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. Greater Chennai Corporation,
rep. by its Commissioner,
Park Town, Chennai-600 003.
3. The Managing Director,
Chennai Metropolitan Water Supply and
Sewerage Board,
No.1, Pumping Station Road,
Chintadripet, Chennai-600 002.
4. Area Engineer,
Area XI CMWSSB,
Alapakkam, Chennai - 600 116. .. Respondents

Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing respondents 3 and 4 to consider and dispose of petitioner's representation dated 15.12.2016 and sanction family pension to the petitioner with arrears of pension within a time frame.

For Petitioner :: Mr.K.M.Ramesh

For Respondents:: Mr.V.Jayaprakash Narayanan,
Special Government Pleader for R1
Mr.G.Anantharangan,
Standing Counsel for R2 to R4

ORDER

This writ petition has been filed by the petitioner seeking a direction to respondents 3 and 4 to consider and dispose of her representation dated 15.12.2016 and to sanction family pension with arrears, within a time frame.

2.The case of the petitioner is that her husband was employed as Watchman on daily wage basis in Maduravoil Town Panchayat by virtue of order dated 27.06.1989. While her husband was in the service of third respondent, died due to illness on 15.07.2014. By proceedings dated 06.07.2000, her husband was paid consolidated salary of Rs.600/- per month. Though her husband was entitled to regularisation in terms of G.O. Ms. No.198, Municipal Administration and Water Supply Department dated 26.10.1996, his service was regularised only from 23.02.2006. As per the decision of this Court in W.P. No.12548 of 2015 dated 23.07.2015, 50% of the services rendered prior to regularisation has to be taken into account along with regular service for the purpose of pension and other benefits as per Rule 11(2) of the Tamil Nadu Pension Rules. Since her claim for family pension has not been considered by the respondents, she is before this Court.

3.Learned counsel appearing for the petitioner would submit that a direction may be given to the respondents to consider and dispose of the petitioner's representation in the light of the order passed by this Court in W.A. (MD) No.1026 of 2015 dated 30.09.2015.

4.Considering the limited relief sought for in this petition, this Court hereby directs respondents 3 and 4 to consider and dispose of the petitioner's representation dated 15.12.2016 and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, in the light of the order passed by this Court in W.A. (MD) No.1026 of 2015 dated 30.09.2015.

5.With the above direction, the writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

vga

To

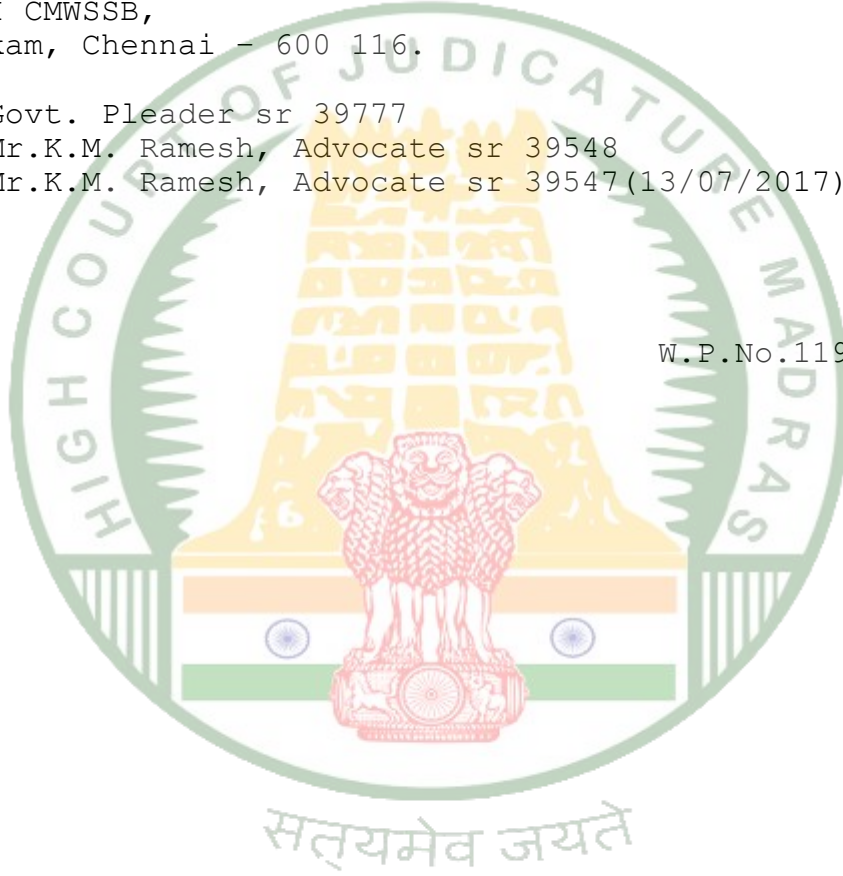
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+1 CC to Govt. Pleader sr 39777
+1 CC to Mr.K.M. Ramesh, Advocate sr 39548
+1 CC to Mr.K.M. Ramesh, Advocate sr 39547(13/07/2017)

CA (CO)
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