

In the High Court of Judicature at Madras

Dated : 17.11.2017

Coram :

The Honourable Mr.Justice S.M.SUBRAMANIAM

W.P.No.1300 of 2014

Mrs.S.Padmini

... Petitioner

Vs

1. The Principal Chief Engineer,
Chief Engineer (General)
Public Works Department,
Chepauk,
Chennai - 600 005.
2. The Director,
Irrigation Management Training Institute,
Kaveri Complex, Thuvakudi,
P.Box.No.1206,
Trichirapalli - 620 015.

... Respondents

Prayer: Petition under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorari, to be issued quashing the letter dated 05.11.2013 from the second respondent, in accordance with law, within the time stipulated by this Hon'ble Court.

For Petitioner : Mr.R.Ravindra Ram

For Respondents: Mr.A.Raja Perumal

Additional Government Pleader for R1

Mr.P.Sanjay Gandhi

AddlGovernment Pleader for R2

ORDER

The relief sought for in this writ petition is to quash the order of rejection passed by the second respondent in proceedings dated 05/11/13 in respect of the claim of the writ petitioner for family pension as well as for Compassionate Appointment to her son.

2. The learned counsel appearing on behalf of the writ petitioner made a submission that the husband of the writ

petitioner late Shri M.Venkatachalam was working as an Office Assistant in the Irrigation Management Training Institute, Trichirapalli. However, the husband of the writ petitioner passed away on 13.06.2007, while he was in service, leaving behind the petitioner as well as her son Mr.Sathish Kumar.

3. The writ petitioner admits that the terminal and other benefits of the deceased employee was settled and the petitioner has received the same. However, the family pension as well as the compassionate Appointment has not been provided to the writ petitioner. In this regard, the writ petitioner has submitted an application on 09.10.2013, requesting the respondents to consider the case of the writ petitioner for grant of family pension as well as to grant appointment to her son on Compassionate Appointment. Both the claims were rejected on the ground that the Irrigation Management Training Institute is a Society registered under the Societies Registration Act and the Institution is not having any scheme of appointment nor a pension scheme. In other words, the deceased employee was working in a non pensionable service and therefore the request of the petitioner cannot be granted.

4. The learned counsel appearing on behalf of the respondent states that the Irrigation Management Training Institute is a society registered under the Tamil Nadu Societies Registration Act under the Control of the Water Resources Organisation of Tamil Nadu . The service conditions of the employees working in the Institute are separate and the Tamil Nadu Government Servants Pension Rules are not applicable to the employees of the Institute. The employees are governed by the bye-laws of the Institute and in accordance with the bye-laws the terminal benefits due to the deceased employee was already settled in favour of the petitioner. In respect of the family pension, there is no scheme in force and so also the compassionate appointment. In the absence of any scheme in force, the Management of the Institute will not be in a position to grant any such benefit, as if sought for by the writ petitioner, in her request application,

5. The counter further states that the management has passed some resolution and requested the officials to consider the same, but no decision has been taken in this regard. It is further stated that even an erroneous order earlier passed by the Director on 12.01.2012, wrongly granting pension to some employees were cancelled and the said Director was placed under Suspension in G.O. D. No.424, Public Works Department, dated 27.09.2012. Thereafter, the pension was stopped to those employees. Thus, it is made clear that in the absence of any pension scheme and the scheme of Compassionate Appointment, the claim to the petitioner cannot be considered and in respect of

other benefits including the terminal benefits, the petitioner has received the same.

6. In view of this fact, no further adjudication is required in this writ petition. Accordingly, writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

vv/vsi2

To

1. The Principal Chief Engineer,
Chief Engineer (General)
Public Works Department,
Chepauk,
Chennai - 600 005.
2. The Director,
Irrigation Management Training Institute,
Kaveri Complex, Thuvakudi,
P.Box.No.1206,
Trichirapalli - 620 015.

+1cc to Government Pleader SR.No.82486

सत्यमेव जयते

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KGK (CO)
GN (07/12/2017)

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