

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.3528 of 2017

S.Suseela

... Petitioner

Vs.

- 1.The District Forest Officer,
Thiruvannamalai North Forest Division,
Thiruvannamalai District.
- 2.The Accountant General of Tamil Nadu,
Office of the Accountant General,
Office at Teynampet, Chennai - 600 018.
- 3.The Treasury Officer,
Polur, Thiruvannamalai District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of writ of mandamus, directing the respondents to sanction and disburse family pension to the petitioner pursuant to the grant of pension in favour of the husband of the petitioner vide G.O.Ms.No.43 Environment and Forest (FR.2) Department dated 24.03.2015 within a time limit.

For Petitioner : Mr.T.Sellapandian,
for M/s.S.Mani

For Respondents : Mr.N.Inbanathan,
Government Advocate (Forest) (R1 & R3)
Mr.V.Vijayashankar (R2)

O R D E R

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

2.The petitioner would aver that her husband Late A.Subramanian was appointed as a Plot Watcher on 01.10.1981 on daily wage basis in the services of the Forest Department. He has been continuously engaged by the respondents on daily rate/daily wage basis for a considerable length of time. The services of very many persons like that of the petitioner have been regularized consequent upon various orders passed by this Court. The petitioner would further aver that as per the Statewide seniority prepared by the 1st respondent, the husband of the petitioner was brought in the time scale of Forest

Watcher on 19.12.2003, after putting in hard, sincere and blemishless service to the satisfaction of the senior officers. However, nine years from the date of regularization of service, her husband retired from service on 30.04.2012. The retirement benefits were denied to the petitioner citing that he has got less number of services than the minimum qualified service and the husband of the petitioner citing G.O.Ms.No.408, Finance (Pension) Department dated 25.08.2009 had submitted a representation dated 10.12.2012 to the 1st respondent to count half of the services rendered by him as daily wage employee for the purpose of conferment of pensionary benefits. Thereafter, he filed W.P.No.26389 of 2013, which was disposed on 11.11.2013 and as a consequence, pensionary benefits were granted to the husband of the petitioner vide G.O.Ms.No.43, Environment and Forest (FR.2) Department dated 24.03.2015. The husband of the petitioner died on 31.01.2016, leaving behind the petitioner as well as two issues as the legal representatives. Therefore, the petitioner submitted a representation on 03.06.2016 praying for family pension and however, it has not been paid so far and came forward to file this Writ Petition.

3. The learned counsel appearing for the petitioner would submit that Rules 76 and 77 of the Tamil Nadu Pension Rules deal with the family pension and in the light of Rule 76(2)(a)(ii), the petitioner is entitled to get the benefits of the family pension and therefore, prays for appropriate orders.

4. Heard the submissions of the learned counsel appearing for the petitioner, Mr.N.Inbanathan, learned Government Advocate (Forest), who accepts notice on behalf of the respondents 1 & 3 and Mr.V.Vijayashankar, learned Standing Counsel, who accepts notice on behalf of the 2nd respondent.

5. 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 projected by the petitioner, permits the petitioner to submit one more representation to the respondents 1 & 3 along with a copy of this order as well as a copy of her earlier representation dated 03.06.2016 within a period of two weeks from the date of receipt of a copy of this order and upon receipt of the same, the respondents 1 & 3 are directed to consider the said representation, on merits and in accordance with law and pass appropriate orders within a further period of six weeks thereafter and communicate the decision taken, to the petitioner.

6.The Writ Petition is disposed of accordingly. No costs.

-sd/-
Assistant Registrar

True Copy

Sub-Assistant Registrar

va

To

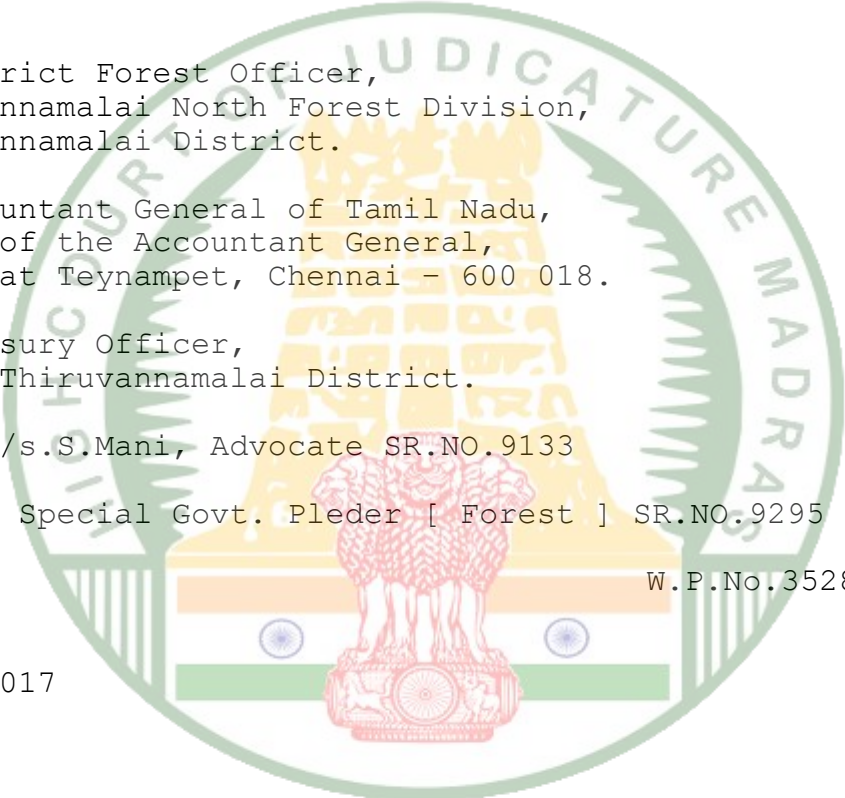
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Office at Teynampet, Chennai - 600 018.
- 3.The Treasury Officer,
Polur, Thiruvannamalai District.

+1 cc to M/s.S.Mani, Advocate SR.NO.9133

+ 1 cc The Special Govt. Pleder [Forest] SR.NO.9295

W.P.No.3528 of 2017

CJ[co]
RR 28/02/2017

The seal of the Tamil Nadu Judicial System is a circular emblem. It features a central golden temple gopuram (tower) with a red elephant standing in front of it. The gopuram is set against a background of horizontal stripes in orange, white, and green. The entire emblem is encircled by a green border containing the text 'TAMIL NADU JUDICATURE MADRAS' in white capital letters. Below the emblem, the Sanskrit motto 'सत्यमेव जयते' (Satyameva Jayate) is written in Devanagari script.

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