

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.268/2017

S.Vijayalakshmi

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Petitioner

Vs

1.The Secretary to Government
State of Tamil Nadu
Revenue Department, St.Fort
George, Chennai-9.

2.The Secretary to Government
State of Tamil Nadu
Finance [Pension] Department, St.Fort
George, Chennai-9.

3.The District Collector
Kancheepuram District,
Kancheepuram.

4.The Principal Accountant General
of Tamil Nadu, Teynampet,
Chennai-18.

..

Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the 3rd respondent to refix the pensionary benefits by taking into account the past service of the petitioner's husband during the period from 01.01.1991 to 30.07.2000 rendered in Rural Development Department as qualifying serviced and to sent revised pension proposal to the 4th respondent for grant of the same with all consequential benefits.

For Petitioner : Ms.K.Jenitha

For RR 1 to 3 : Mr.K.Dhananjayan, Spl.GP

For R4 : Mr.V.Vijayshankar

ORDER

By consent, the writ petition is taken up for final disposal. Mr.K.Dhananjayan, learned Special Government Pleader accepts notice on behalf of the respondents 1 to 3 and Mr.V.Vijayshankar, learned counsel accepts notice on behalf of the 4th respondent.

2 The petitioner would state that her husband was initially appointed as Panchayat Clerk during 1980 and was brought to full time / regular employment as Panchayat Assistant on 01.01.1991 in Vanpakkam Village, Panruti Taluk, Cuddalore District, vide proceedings dated 28.12.1990 by the Commissioner of Panchayat Unions, Annagaramam and he was also granted Honararium of Rs.400/- per month with effect from 01.01.1991. The petitioner's husband was appointed as the Village Administrative Officer on 28.04.2000 by the 1st respondent and was posted at Cheyyur Village, Kancheepuram District and he joined duty on 31.07.2000 and he died on 31.08.2010 while he was in service, leaving behind the petitioner, two sons and one daughter as legal heirs. The petitioner, after the demise of her husband, repeatedly approached the officials concerned to sanction the Family Pension and it was sanctioned on 25.07.2015 and the petitioner came to know that the past services rendered by her husband between 01.01.1991 and 30.07.2000 has not been taken into account and it should be done so as per the proviso to Rule 23 of the Tamil Nadu Pension Rules. The petitioner in this regard, has submitted a representation dated 20.09.2015 to the respondents and though, it was received and acknowledged, no response is forthcoming and therefore, the petitioner came forward to file the present writ petition.

3 The Court heard the submissions of the learned counsel for the petitioner and Mr.K.Dhananjayan, learned Special Government Pleader appearing for the respondents 1 to 3 and Mr.V.Vijayshankar, learned counsel appearing for the 4th respondent.

4 Though the petitioner has prayed 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 3rd respondent to consider and dispose of the petitioner's representation dated 20.09.2015 on merits and in accordance with law and pass orders within a period of ten weeks from the date of a receipt of a copy of this order and communicate the decision taken, to the petitioner.

5 The writ petition stands disposed of with the above direction. No costs.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

To

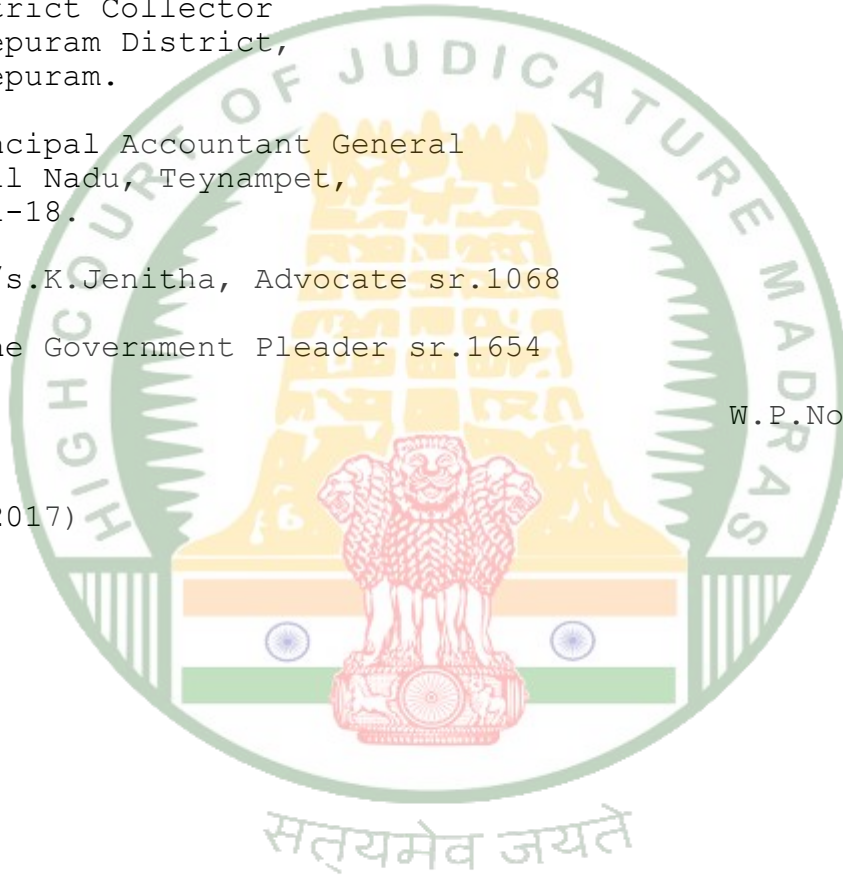
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+1cc to M/s.K.Jenitha, Advocate sr.1068

+1cc to The Government Pleader sr.1654

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