

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2017

CORAM :

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No. 2294 of 2013

V. Rani

..Petitioner

Vs.

1. The Government of Tamilnadu
Rep. By its Additional
Secretary to Government
Agriculture Department,
Fort St. George
Chennai - 600 009.
 2. The Chief Engineer
Agricultural Engineering Department
Anna Salai, Nandanam
Chennai - 600 035.
 3. The Principal Accountant General
(Account and Entitlements)
Tamilnadu, Anna Salai
Chennai - 600 018.
- ...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to letter No. Pension/1/50701/12 dated 21.11.2012 issued by the second respondent rejecting the petitioner's claim for payment of family pension instead of adhoc pension and quash the same and consequently direct the respondents to pay arrears of family pension from the date it became due along accrued interest within a time frame and pass further orders.

For Petitioner : Mr. S. Rajesh
For Respondents : Mr. S. Diwakar,
Spl. Government Pleader for R1 & 2
Mrs. T.S. Selvarani for R3

O R D E R

This writ petition has been filed seeking to quash the letter No. Pension/1/50701/12 dated 21.11.2012 issued by the second respondent rejecting the petitioner's claim for payment of family pension instead of adhoc pension and consequently direct the respondents to pay arrears of family pension from the date it became due along with the accrued interest, within a time frame.

2. Learned counsel for the petitioner would submit that the petitioner's husband was working as a Turner in the department of Agricultural Engineering and passed away on 13.12.1966, while he was in service. At the request of the petitioner, she was granted adhoc pension. Learned counsel further stated that as per G.O. Ms. No. 893 Public Works Department dated 22.08.1994, the non-provincialised period of service is also taken into consideration for the purpose of computation of pension and the same was also granted to some of the employees of the respondent department. When the same was rejected, one Mrs. S. Saraswathi obtained favourable orders from this Court in W.P. No.23079/2008. Based on the said orders of this Court, the petitioner submitted a representation on 05.11.2012 to the 2nd respondent seeking to change the adhoc pension into Family pension. The 2nd respondent had forwarded the request of the petitioner to the Assistant Executive Engineer (AE), Nandanam, Chennai-35 for further action. However, no orders have passed by the respondents. Aggrieved by the same, this writ petition has been filed.

3. Learned Special Government Pleader submitted that the request of the petitioner has been forwarded to the concerned officer i.e., the Assistant Executive Engineer (Agricultural Engineering), Nandanam to take further action, in accordance with the rules and submit a report to the 2nd respondent. He further submitted that if the representation of the petitioner dated 05.11.2012 is still pending, the same would be considered, in accordance with law.

4. Heard learned counsel for the petitioner, learned Government Pleader for respondents 1 and 2 and learned counsel for the 3rd respondent.

5. In a similar case filed by one Saraswathi, this Court has allowed the W.P. No. 23079/2008 by its order dated 13.12.2011. The decision in the said order is squarely applicable to this case also, since the facts of the present case is the same. It is not in dispute that the representation of the petitioner dated 05.11.2012 has been forwarded by the 2nd respondent to the Assistant Executive Engineer (Agricultural

Engineering), Nandanam, Chennai. The said order has been challenged in this writ petition, which in my considered view, is not maintainable. However, taking into consideration the facts that the request of the petitioner is pending before the Assistant Executive Engineer (Agricultural Engineering), Nandanam from 2012 and that the request has been considered in a similar matter by this Court, this Court is inclined to direct the 2nd respondent to consider the representation of the petitioner dated 05.11.2012 and pass appropriate orders, in accordance with law, in the light of the orders passed by this Court in W.P. No. 23079 of 2008 dated 13.12.2011, as expeditiously as possible, not later than three months from the date of receipt of a copy of this order.

6. The Writ Petition is disposed of, on the above terms. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

avr

To

1. The Additional Secretary to Government
Government of Tamilnadu
Agriculture Department,
Fort St. George, Chennai - 600 009.
2. The Chief Engineer
Agricultural Engineering Department
Anna Salai, Nandanam
Chennai - 600 035.
3. The Principal Accountant General
(Account and Entitlements)
Tamilnadu, Anna Salai
Chennai - 600 018.

+1cc to Mr.T.S. Selvarani, Advocate, S.R.No.5429
+1cc to Mr.S. Rajesh, Advocate, S.R.No.5639
+1cc to the Government Pleader, S.R.No.5385

ssi(CO)
md(/2402/2017)

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