

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2017

CORAM

THE HONOURABLE MR.JUSTICE NOOTY.RAMAMOHANA RAO
and

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.14999 OF 2012

Saraswathi

.. Petitioner

-vs-

1.The Accountant General
(Accountant & Entitlement)
Tamilnadu Circle
361, Anna Salai
Chennai 600 018.

2.The Principal District Judge,
Office of the Principal District Court
Villupuram. .. Respondents

Writ Petition filed under 226 of the Constitution of India for issuance of a writ of certiorarified mandamus to call for the records of the first respondent Letter No.AG (A&E) Legal Cell/W.P.No.16072/2011/1462/135913 dated 23.11.2011 and quash the same by directing the first respondent to grant pensionary benefits to the petitioner and to pay arrears of pension with effect from 29.11.1962.

For Petitioner : Mr.K.Rajagopal

For Respondents: Mr.V.Vijay Shankar - R1

Mr.M.Baskar - R2

O R D E R

NOOTY.RAMAMOHANA RAO, J.

The lis involved in the present case concerns sanction of pension on compassionate basis for the services rendered by the writ petitioner.

2.The writ petitioner was selected by the Madras Public Service Commission and appointed as a Clerk in Madras Judicial Ministerial Service. She was posted as such in District Munsif Court, Kallakurichi, South Arcot District on 21st January, 1952. She was also confirmed in the service.

3.Nearly ten years after her entry into service, the writ petitioner seems to have got married in March, 1962. Her husband was living at Coimbatore and the Unit of appointment of the writ petitioner being confined to the District, there was no way, she could be transferred to Combatore District. In those set of circumstances, she has tendered resignation on 29.11.1962, after completing more than ten years of qualifying service. Her offer of resignation was accepted. Because it is for purely personal reason, but not for reasons of misconduct or any other fault attributable to her, she has been relieved from service on 29.11.1962. When she sought for payment of pension, the Principal Accountant General, (Accounts & Entitlement), Tamil Nadu, by his communication dated 23.11.2011, rejected her claim for grant of pension.

4.In somewhat similar circumstances, we had considered the entire issue by Judgment rendered by us in W.P.No.30277 of 2016 dated 05.04.2017. The reasons assigned by us in the said Judgment will apply on all fours to the present case.

5.We, therefore, dispose of the present Writ Petition also, with a direction for consideration of the case of the writ petitioner for sanction of pension, as soon as appropriate measures are taken by the State in pursuance to our Judgment rendered on 5th April, 2017 in W.P.No.30277 of 2016. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

rpa

To

1.The Accountant General
(Accountant & Entitlement
Tamilnadu Circle
361, Anna Salai
Chennai 600 018.

2.The Principal District Judge,
Office of the Principal District Court
Villupuram.

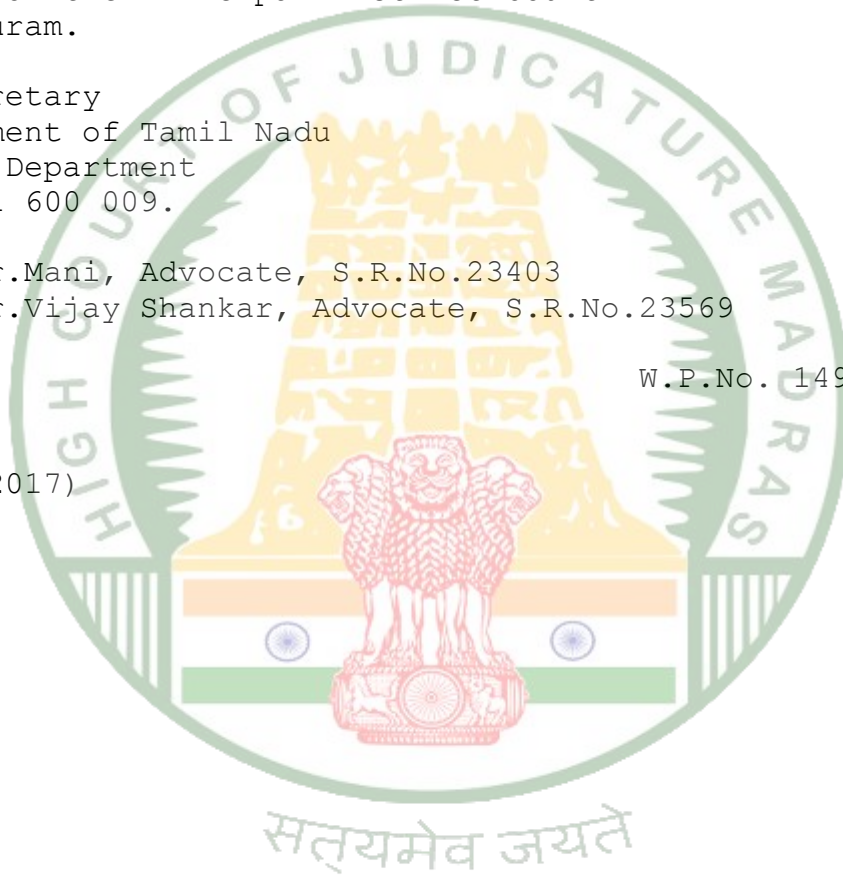
3.The Secretary
Government of Tamil Nadu
P & AR Department
Chennai 600 009.

+1cc to Mr.Mani, Advocate, S.R.No.23403

+1cc to Mr.Vijay Shankar, Advocate, S.R.No.23569

W.P.No. 14999 OF 2012

GJII (CO)
RS (25/04/2017)



WEB COPY