

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2017

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Writ Petition No.37230 OF 2003

S.Jothiswariamamma

... Petitioner

Vs

1. The Managing Director,
Food Corporation of India,
New Delhi.
2. The Regional Director (F),
Food Corporation of India,
Southern Region,
Chennai.
3. The Zonal Manager,
Food Corporation of India,
Haddows Road,
Chennai-6.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the 3rd respondent to revise the pensionary benefits of the petitioner by granting the benefit of the increment due to her husband on 1.1.1987 along with the arrears accumulated there from and the DA instalment sanctioned by the Government of India raising the DA from 45% to 49%.

For petitioner : No appearance
For respondents : Mr.A.S.Thambusamy

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O R D E R

The Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the 3rd respondent to revise the pensionary benefits of the petitioner by granting the benefit of the increment due to her husband on 1.1.1987 along with the arrears accumulated there from and the DA instalment sanctioned by the Government of India raising the DA from 45% to 49%.

2. There is no appearance for the petitioner. Heard the learned Counsel for the respondents.

3. The petitioner, who is the wife of one late N.R.Subramaniam, has approached this Court for sanction of one increment and directed the respondents to revise the terminal benefits with respect to her husband. According to the petitioner, her husband retired on 31.12.1986. After the death of her husband, she made a representation to the 1st respondent on 31.07.2003 claiming increment from 01.01.1987.

4. The learned Counsel for the respondents would submit that immediately after the retirement of the petitioner's husband on 31.12.1986, the entire retirement benefits were settled and when the petitioner's husband is in service, the pension was also ordered. After retirement, the claim of the petitioner cannot be considered because the one increment available is only to the persons who are in service and after retirement, the increment is not available to the retired persons. Accordingly, her claim was rejected by the respondents.

5. The present case was instituted by the petitioner after the death of her husband, when the cause of action arose in the year 1986 itself. Further, the petitioner's husband also did not take any steps to claim one increment, after his retirement. Hence, considering the said facts, I am not inclined to entertain this Writ Petition.

6. In the result, the Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

tsi
To

1. The Managing Director,
Food Corporation of India,
New Delhi.
2. The Regional Director (F),
Food Corporation of India,
Southern Region,
Chennai.

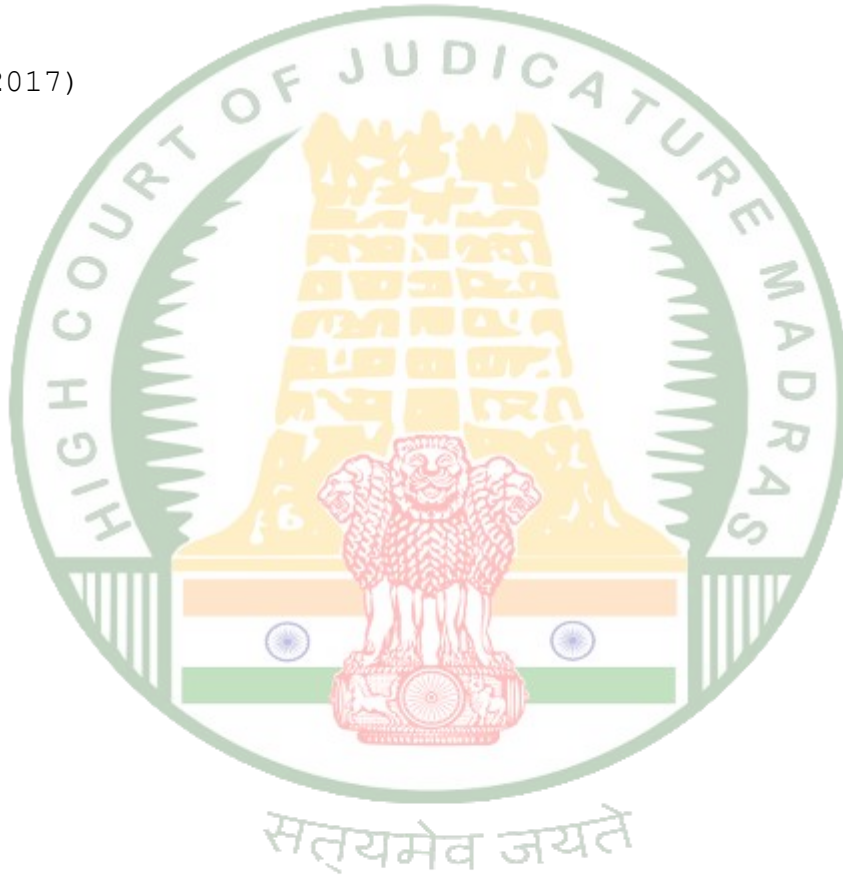
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3. The Zonal Manager,
Food Corporation of India,
Haddows Road,
Chennai-6.

+1cc to Mr.A.S.Thambuswamy, Advocate SR.No.49982

W.P.No.37230 of 2003

SCD(CO)
GN(16/08/2017)



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