



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.A.[MD].No.154 of 2017
and
C.M.P(MD)No.1724 of 2017

- 01.The Secretary to Government of Tamil Nadu,
Finance Department,
St. George Fort,
Chennai. :1st appellant/1st respondent
- 02.The Assistant Elementary Educational Officer,
Thenkasi,
Tirunelveli District. :2nd appellant/4th respondent

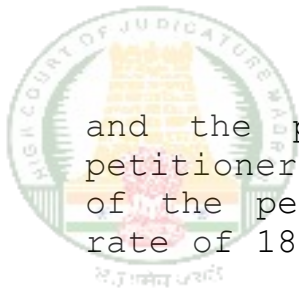
Vs.

- 01.M.Mahamuthal :1st respondent/Writ Petitioner
- 02.The Principal Accountant
General of Tamil Nadu,
(Accounts & Entitlement),
361, Anna Salai,
Chennai - 600 018.
- 03.Director of Pension,
259, Anna Salai, 3rd Block,
2nd Floor, Teynampet,
Chennai - 600 006. : Respondents 2 & 3/Respondents 2 & 3

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent to set aside the order dated 23.02.2015 passed in W.P(MD)No.14298 of 2014.

Prayer in WP(MD). 14298/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to consider the petitioner's husband Mohideen Pitchai's total service as Lab Assistant and Junior Assistant render before 4th respondent from 20.6.1980 to the retirement of his Military Service and grant the Family pension and other arrears that the petitioner's husband



and the petitioner is entitled to get on retirement of the petitioner's husband s from his service on 31.3.1997 and on death of the petitioner's husband on 23.11.2000 with interest at the rate of 18% per annum.

For Appellants

: Mr.T.S.Mohammed Mohideen,
Additional Government Pleader

For Respondents

: No Appearance

JUDGMENT

[Order of the Court was made by K.K.SASIDHARAN, J.]

The issue raised by the appellants is no longer subsisting on account of the Government Order issued in G.O(Ms).No.290 Public (Ex-Servicemen) Department dated 05.04.2017, whereby and whereunder, the Government have taken a decision to accept the proposal of the Joint Director, Directorate of Ex-Servicemen's Welfare, for sanctioning Duel Family Pension for the families of Defence Personnel, who had served in the State and retired from service.

2. The only question which was considered by the learned Judge was as to whether the first respondent was correct in making a request for Duel Family Pension.

3. Since the Government have decided to accept the proposal for sanctioning Duel Family Pension, we are of the view that the impugned order does not require interference. Therefore, we dismiss this intra-Court appeal. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub-Assistant Registrar

To

01.The Secretary to Government of Tamil Nadu,
Finance Department, St. George Fort, Chennai.

02.The Assistant Elementary Educational Officer,
Thenkasi, Tirunelveli District.

+One cc to The Special Government Pleader, SR.No.65318

pm

RL/4C/2P/KK/SAR1/26/7/2017

Judgment made in
W.P.[MD].No.154 of 2017

Dated :

12.07.2017