

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.08.2018
Coram

The Hon'ble Mr. Justice Satrugana Pujahari

Writ Petition No.21676 of 2018

M.Sagayaselvi

...Petitioner

Vs.

1. The Government of Tamilnadu
rep by the Secretary to the Government,
Revenue Department,
Fort St.George, Chennai - 600 009.

2. The Collector,
Nagapattinam,
Nagapattinam.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus directing the respondents to take action on the petitioners representation dated 22.01.2018 and grant Selection Grade and Special Grade to the petitioner's late husband Mr. E.Mariyaseelan, with effect from 22.08.1990 and 22.08.2000 respectively and consequently revise the family pension and pay the petitioner with arrears of salary and family pension within a time limit to be fixed by this Court.

For Petitioner : Mr. P.Manoj Kumar

For Respondents : Ms. Thanga Vadhana Balakrishnan
Additional Government Pleader

ORDER

Heard, Mr.P.Manoj Kumar, the learned counsel appearing for the petitioner and M/s. Thanga Vadhana Balakrishnan, the learned Additional Government Pleader, who accepts notice on behalf of the respondents With the consent of the learned counsel on either side, the Writ Petition is taken up for disposal at the stage of admission.

2. The case of the petitioner is that she is the legal representative of the deceased employee namely Mr. E.Mariaseelan, who had come to this Court earlier filing Writ Petition No. 28164 of 2006 challenging the inaction of the respondents in regularization of his service. During the continuance of the Writ Petition, as he died, the present petitioner substituted herself and in the said Writ Petition, this Court directed for regularization of the service of her husband from the date of his appointment, i.e., on 22.08.1980 and to extend his service benefits to her as well as family pension. Accordingly, the family pension and other monetary benefits have been given, but the other service benefits i.e., the entitlement of the petitioner to grant Selection Grade as well as Special Grade after completion of necessary period of service from the date of regularization has not been extended. Hence, she has filed a representation before the second respondent on 22.01.2018, but, the same has not been attended to. So, she came to file this Writ Petition seeking a direction to the respondents to consider her representation, and consequently, grant Selection Grade as well as the Special Grade from the date of appointment of her husband to which, her husband was entitled to and release the consequential benefits, including the revision of family pension.

3. The learned counsel appearing for the petitioner seeks for the relief prayed for.

4. The Learned Additional Government Pleader appearing on behalf of the respondents submits that, if the representation of the petitioner is pending, the respondents shall have no objection to pass an order on such representation, inasmuch as, the service of the petitioner's husband was regularized from 07.06.1996, in pursuance of the direction of this Court in the Writ Petition (cited supra). However, she submits that this Court should not put any fetter on the merit of the representation, inasmuch as, the respondents have not responded to the merit of the representation by filing reply affidavit.

5. Regard being had to the aforesaid facts and the submissions made, especially, the nature of relief sought for by the petitioner, this Court dispose of this Writ Petition without seeking any reply affidavit with a direction to the second respondent to take an informed and considered decision on such representation made on 22.01.2018, if the same is pending and no order has been passed yet, but, in accordance with law, within a period of eight weeks from the date of receipt of the copy of this order. However, it is made clear that this Court has expressed no opinion on merit of such representation in any manner.

6. With the aforesaid order, this Writ Petition stands disposed of. No Costs.

Sd/-
Assistant Registrar (CS-IV)

//True copy//

Sub Assistant Registrar

sd

To

1. The Secretary to the Government,
Revenue Department,
Fort St.George, Chennai - 600 009.

2. The Collector,
Nagapattinam,
Nagapattinam.

+1cc to Mr.P.Rajendran, Advocate SR.No.57987

Writ Petition No.21676 of 2018

GMV (28/09/2018)



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