

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.11770 of 2013
and
W.M.P.No.1 of 2013

M.V.Devi

..Petitioner

vs

1. The Commissioner of Police,
Chennai City Police, Egmore,
Chennai.
2. The Pension Pay Officer,
Pension Payment Office,
Chennai - 600 006.
3. The Principal Accountant
General (A & E) Tamil Nadu,
Chennai - 600 018.
4. V.Vijayagopalan

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 3 not to grant pensionary benefits of the 4th respondent who retired in superannuation on 31.01.2013, pending disposal of the suit in O.S.No.133 of 2011 pending on the file of the 1st Additional Family Court at Chennai.

For Petitioner : Mr.K.Chandru

For Respondents : Mrs.A.Sri Jayanthi
1 to 2 Special Government Pleader

For Respondent 3 : Mrs.T.S.Selva Rani

For Respondent 4 : Mr.C.Shankar

O R D E R

The relief sought for in this writ petition is directing to the respondents 1 to 3 not to grant pensionary benefits of the 4th respondent who retired in superannuation on 31.01.2013, pending disposal of the suit in O.S.No.133 of 2011, pending on the file of the 1st Additional Family Court at Chennai.

2. The writ petitioner claims, that the fourth respondent is her father and retired from Government service on attaining the age of superannuation in the cadre of Sub-Inspector of Police. The writ petitioner states that the fourth respondent married her mother Smt. Elavarasi, in the year 1975 and thereafter, the fourth respondent disappeared from his residence. The fourth respondent deserted the mother of the writ petitioner, when he was in the family way and the writ petitioner and her mother was not able to locate the whereabouts of the fourth respondent for a long time. Under these circumstances, the mother of the writ petitioner filed a suit in O.S.No.133 of 2011, before the First Additional Family Court, Chennai and the same is pending. Thus, the writ petitioner is constrained to move the present writ petition restraining the respondents 1 to 4 from settling the pensionary benefits in favour of the fourth respondent.

3. Pension is a right, pension is not a bounty and it is a deferred portion of the wages for the service rendered by a Government employee. Pension is a livelihood of a retired Government servant and the same cannot be withheld or stopped without following the due process of law and in accordance with the Pension Rules. Pensionary benefits due to the fourth respondent can never be withheld by the authorities concerned. If at all, the petitioner or her mother is aggrieved. The writ petitioner and her mother are at liberty to approach the appropriate Court for the redressal of their grievances.

4. Admittedly, the suit in O.S.No.133 of 2011 is pending on the file of the First Additional Family Court, Chennai. Thus, it is left open to the writ petitioner as well as her mother to adjudicate the matter and get an appropriate relief for the redressal of their grievances. However, the pensionary benefits as admissible under the Pension Rules cannot be stopped and the Competent Authorities are bound to settle the pensionary benefits to the retired employees, in accordance with the Pension Rules. This being the principles are to be followed, the relief as such sought to stop the pensionary benefits to the fourth respondent cannot be granted.

5. With this observation, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

nmm/ah

To

1.The Commissioner of Police,
Chennai City Police, Egmore,
Chennai.

2.The Pension Pay Officer,
Pension Payment Office,
Chennai - 600 006.

3.The Principal Accountant
General (A & E) Tamil Nadu,
Chennai - 600 018.

+1cc to Mr.K.Chandru, Advocate, S.R.No.39037
+1cc to the Government Pleader, S.R.No.39855

W.P.11770 of 2013
and
W.M.P.No.1 of 2013

GMR (CO)
CS/12/07/18

सत्यमेव जयते

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