

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED : 28.11.2018  
CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.31318 of 2018

K.Saroja

.... Petitioner

Vs

- 1.The Director General, Highways Department  
HRS Campus, Chennai 600 025.
- 2.The Accountant General (A&E)  
No.361, Teynampet, Chennai 600 018.
- 3.The Principal Chief Engineer (Gen)  
Highways Department, Guindy  
Chennai 600 025.
- 4.The Superintending Engineer (C&M)  
Highways Department, Teynampet,  
Chennai 600 018.
- 5.The Divisional Engineer (C&M)  
Highways Department, Thiruvallur Division  
Thiruvallur.
- 6.The Assistant Divisional Engineer  
Highways (Construction & Maintenance)  
Thiruvallur Sub Division, Thiruvallur.

... Respondents

For Petitioner : Mr.A.Subramani  
For Respondent : Mr.A.N.Thambidurai  
Special Government Pleader

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondents to commutation the pension of the husband of the petitioner, based on the representation of the petitioner dated 29.6.2018 again on 20.07.2018 in accordance with the Tamil Nadu Civil Pensions (Commutation) Rules 1944 and pay the commutation pension benefits to the petitioner herein.

O R D E R

The petitioner's husband served as Gangman Mazdoor (Special Grade) in the Highways Department and retired on 31.10.2017 and he died on 28.12.2017. The grievance of the petitioner is that the pension proposals of the petitioner's husband Gunachandran has not yet been processed by the respondents. In this regard, she has sent representations to the respondents on 29.6.2018 again on 20.07.2018. As the same has not been considered, the petitioner has filed the present writ petition.

2. The petitioner claims that her representation has to be considered in terms of Tamil Nadu Civil Pension (Commutation) Rules 1944. The petitioner also relies upon Rule 9(1) (ii) of

the Tamil Nadu Civil Pension Commutation Rules, which reads as under...

"9(1)(ii) Commutation shall become absolute on the date of application by the retiring government servant on the day following the date of his retirement whichever is later."

3. Mr.A.N.Thambidurai, learned Special Government Pleader takes notice on behalf of the respondents. Heard the contentions of both sides and perused the materials placed on record.

4. In view of the limited relief sought for, this Court is of the view that it is not necessary to dwell into the merits of the issue, but it would be suffice to direct the respondents to consider the representations of the petitioner dated 29.06.2018 and 20.07.2018, and pass orders on the same within a particular time frame

5. Under the circumstances, the respondents are directed to consider the representation of the petitioner dated 29.06.2018 and 20.07.2018 in the light of the rules quoted in paragraph 2 supra and pass orders thereon, within a period of eight weeks from the date of receipt of a copy of this order, in accordance with law. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS viii)

//True Copy//

Sub Assistant Registrar

kst

To

1.The Director General, Highways Department  
HRS Campus, Chennai 600 025.

2.The Accountant General (A&E)  
No.361, Teynampet, Chennai 600 018.

3.The Principal Chief Engineer (Gen)  
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5.The Divisional Engineer (C&M)  
Highways Department, Thiruvallur Division  
Thiruvallur.

6.The Assistant Divisional Engineer  
Highways (Construction & Maintenance)  
Thiruvallur Sub Division, Thiruvallur.

+1cc to Mr. A.Subramani, Advocate SR.No. 81151

+1 CC TO GOVERNMENT PLEADER SR.NO. 65618

ASK(24/12/2018)