



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.2629 of 2018

V.Malliga

... Petitioner

-Vs-

1.The District Collector,
Trichy District, Trichy.

2.The Revenue Divisional Officer,
Lalgudi, Trichy District.

3.The Tahsildar,
Manachanallur Taluk,
Trichy District.

4.The Secretary to Government,
Revenue Department,
Secretariat, St.Fort George, Chennai.

(4th respondent is suo motu
impleaded vide order
dated 12.03.2018)

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondents herein to provide family pension and other benefits of the petitioner's husband namely Veeran to the petitioner based on the petitioner representation dated 30.01.2018.

For Petitioner	: Mr.S.M.Mohan Gandhi
For Respondents	: Mr.M.Jeyakumar, Additional Govt.Pleader

ORDER

The petitioner's husband was appointed as Village Assistant in the year 1979. His service was regularized in the year 1985. But, the petitioner's husband died in the year 1999 due to illness. The petitioner was given a sum of Rs.1,00,000/- following the petitioner's husband demise. But, the petitioner has not been given any family pension. This was obviously because, the authorities proceeded on the footing that the petitioner's husband had served only four years in the pensionary service.



2.This Court has held in more than one case that 50% of the service put in by a person who had served prior to 1995, shall be taken into account for pensionary purpose. In the present case, the petitioner's husband had so served for 16 years. If 50 % of the said service is taken, definitely the petitioner would be eligible to get minimum pension. Since this exercise has not been made till date, the petitioner has been deprived. Hence, this writ petition has been filed.

3.The Secretary to Government, Revenue Department, Secretariat, St.Fort George, Chennai is suo motu impleaded as 4th respondent in this writ petition. The respondents are directed to regularise the services put in by the petitioner's husband prior to 1995 and take into account 50% of the service prior to 1995 and after including the same to the regular service put in by him, compute the family pension payable to the petitioner. The third respondent is directed to send relevant pension proposal in this regard to the concerned authority. Appropriate orders shall be passed within a period of twelve weeks from the date of receipt of a copy of this order. The benefits payable to the petitioner shall be disbursed shortly, thereafter. The question of payment of interest will not arise in this case of the petitioner had not appointed in time.

4.Accordingly, this writ petition is allowed as indicated above. No costs.

Sd/-

Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

To

- 1.The District Collector,
Trichy District, Trichy.
- 2.The Revenue Divisional Officer,
Lalgudi, Trichy District.
- 3.The Tahsildar,
Manachanallur Taluk, Trichy District.
- 4.The Secretary to Government,
Revenue Department,
Secretariat, St.Fort George, Chennai.

+1CC TO M/S.S.M.MOHAN GANDHI, ADVOCATE, SR NO.54682

+1CC TO SPECIAL GOVERNMENT PLEADER, SR NO.54944

W.P. (MD) No.2629 of 2018

12.03.2018

Myr

MS/SV-MMS/SAR-2/23.03.2018/2P.7C