



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.07.2018

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD) No.15498 of 2018

G.Jothimani

... Petitioner

-vs-

1.The Secretary to Government
Revenue Department
Secretariat, Chennai.

2.The District Collector,
Madurai District, Madurai.

3.The Revenue Divisional Officer,
Usilampatti Division,Usilampatti,
Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the second and third respondents ie., the District Collector, Madurai and the Revenue Divisional Officer, Usilampatti, to send family pension proposals to the Government for sanction by the Accountant General, Chennai, in respect of the petitioner as per the petitioner's representation dated 09.06.2014 within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam
For Respondents : Mrs.S.Srimathy
Special Government Advocate

ORDER

The prayer in the writ petition is for a Writ of Mandamus to direct the second and third respondents ie., the District Collector, Madurai and the Revenue Divisional Officer, Usilampatti, to send family pension proposals to the Government for sanction by the Accountant General, Chennai, in respect of the petitioner as per the petitioner's representation dated 09.06.2014 within a specified time frame that may be fixed by this Court.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents.



3. The petitioner's husband was appointed as Village Assistant on 20.07.1977 on permanent basis. His services were regularised from 01.06.1995 and he was getting regular time scale of pay, before which, he was getting consolidated pay. The petitioner's husband died on 05.02.2000. He had rendered total service of 23 years, out of which, nearly five years, he was under time scale of pay and for the remaining 18 years, he was under the consolidated pay.

4. As per Rule 11(4) of the Tamil Nadu Pension Rules, 1978, the petitioner's husband's half of the service rendered by him on consolidated pay on permanent basis shall also be taken into account for the purpose of calculation of pension. In this regard, the Government already issued G.O.Ms.No.173 Revenue Department dated 29.05.2014.

5. In order to get the pensionary benefits of her husband, the petitioner, even though had given a representation on 09.06.2014, the same has not so far been considered by the respondents. Therefore, the petitioner is before this Court.

6. The learned counsel for the petitioner would submit that even though the second respondent vide his letter dated 01.07.2014 had instructed the third respondent to take necessary action for sanction of family pension to the petitioner, so far, no action seems to have been taken by the third respondent and from 2014 onwards, the issue is kept pending by the respondents without seeing any progress. Therefore, if a direction is given to the respondents, based on the representation given by the petitioner dated 09.06.2014 to act upon for forwarding the pension proposals within a time frame, the petitioner would be satisfied.

7. I have heard the learned Special Government Pleader, who would submit that the request of the petitioner made through the representation dated 09.06.2014 for getting family pension would be considered by the respondents and necessary steps would be taken in this regard within a time frame stipulated by this Court.

8. In view of the said submissions made by both sides, by taking into account the facts and circumstances of the case, this Court is inclined to pass the following order:

"that the third respondent is hereby directed to consider the request of the petitioner dated 09.06.2014 and accordingly, forward the petitioner's husband's pension proposals for the purpose of getting family pension by the petitioner, to the first respondent and on receipt of the same, the first respondent shall consider and forward the same to the necessary pension sanctioning authority/Accountant General for necessary follow up action and disbursement of pension/family pension to the petitioner. The needful as indicated above shall be undertaken by the respondents collectively within a period of eight weeks from the date of receipt of a copy of this order."



9. With the above direction, the writ petition is disposed of.
No costs.

Sd/
Assistant Registrar (CS-III)

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Sub Assistant Registrar (CS-III)

To:

- 1.The Secretary to Government
Revenue Department
Secretariat, Chennai.
- 2.The District Collector,
Madurai District, Madurai.
- 3.The Revenue Divisional Officer,
Usilampatti Division, Usilampatti,
Madurai District.

+1cc to Mr.S.Visvalingam, Advocate, SR.No.73246
+1cc to M/s.Special Government Pleader,SR.No. 73550

W.P. (MD) No.15498 of 2018
17.07.2018

RR
KK/MMS/SAR-3/11.08.2018/3P-6C/