



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.01.2018

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No.587 of 2017

and

W.M.P. (MD) .No.15963 of 2017

S.Ramuthai

... Petitioner

Vs.

1.The Internal Audit Officer (Pension),
Audit Branch,
N.P.K.R.R. Maaligai 1st Floor,
No.144, Anna Salai,
Chennai-600 002.

2.The Superintending Engineer,
Electricity Distribution Circle,
Dindigul-2.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 1st respondent in Ka.No.37342/1048-1/F.8/F.81/2014, dated 19.12.2014, quash the same and consequently direct the respondents to pay the family pension to the petitioner with arrears and with interest of 12% from 19.01.2014.

For Petitioner : Mr.M.Jeyaraman
For Respondents : Mrs.S.Srimathi for R1
Special Government Pleader
: Mr.S.Dhayalan for R2

ORDER

Heard Mr.M.Jeyaraman, learned Counsel, appearing for the petitioner and Mrs.S.Srimathy, learned Special Government Pleader, appearing for the first respondent and Mr.Dhayalan, learned Standing Counsel, appearing for the second respondent.

2.By consent of both the parties, the main writ petition is taken up for final disposal.



3.The Petitioner's husband was working as a Watchman in the Tamil Nadu Electricity Board, Batlagundu. He retired from service on 31.01.2003. He died on 19.01.2014. The petitioner as the wife of the deceased employee was eligible to receive family pension. But in the present case, the second respondent has passed an order, sanctioning payment of family pension to the petitioner with effect from September 2016 onwards.

4.The learned counsel appearing for the petitioner would submit that the petitioner is entitled to receive family pension even for the period from February 2014 to September 2016. Non payment of family pension for the said period is squarely an infraction of the rights of the petitioner.

5.The impugned order passed by the 1st respondent in Ka.No.37342/1048-1/F.8/F.81/2014, dated 19.12.2014, is therefore quashed. The respondents are directed to pay the arrears of family pension for the aforesaid period. The respondents are directed to pay the said amount with interest at the rate of 12% with in a period of twelve weeks from the date of receipt of a copy of this order.

6.The Writ Petition stands allowed to the extent indicated above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar'

To
The Internal Audit Officer (Pension),
Audit Branch,
N.P.K.R.R. Maaligai 1st Floor,
No.144, Anna Salai,
Chennai-600 002.

+One cc to Mr.M.Jeyaraman, Advocate, SR.No.41927

tsg
RL/3C/2P/SV/MMS/SAR4/13/2/2018

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