

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 15.3.2018

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WEB COPY

THE HON'BLE MR.JUSTICE **S.M.SUBRAMANIAM****W.P(MD) No.10340 of 2013**

Soundaravalli

... Petitioner

-vs-

1. The Secretary,
Government of Tamil Nadu,
Highways Department,
Fort St.George,
Chennai.
 2. The Chief Engineer,
Highways Department,
Chepauk,
Chennai - 600 005.
 3. The Superintending Engineer,
Highways and Rural Works,
Tiruchirappalli-620 020.
 4. The Superintending Engineer,
Highways and Rural Works,
Nagapattinam.
 5. The Accountant General of Tamil Nadu,
Office of the Accountant General(Accounts and Entitlement),
Chennai - 600 0 18 .
- ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to fix the pay of the Petitioner's husband Late.S.Narasimhan during various stages of his service, pay arrears of pay and other benefits on the basis of such fixation of salary, fix the pension of Late.S.Narasimhan on the basis of such fixation of salary, pay arrears of pension on the basis of such fixation of pension, pay death benefits to the Petitioner and pay family pension to the Petitioner as per rules.

For Petitioner : M/s.K.S.Vamsidhar
For Respondents : Mr.R.Sethuraman
Special Govt.Pleader
For Respondent-5 : Mr.P.Gunaseakaran

O R D E R

The grievance of the Writ Petitioner is that her husband Late Sri.Narasimhan was employed as Assistant Engineer in the Highways Department and subsequently passed away. Further, the pay as applicable in accordance with the Government Orders had not been granted to the husband of the Writ Petitioner. At the outset, the Writ Petitioner is of an opinion that the fixation of pay was not properly done and consequently she is receiving a lesser amount of family pension. In this regard, several notices were issued to the respondents. However, no action was taken by the respondents.

2.The learned counsel for the respondents states that seeking intervening period are to be regularized and in this regard the service records of the deceased employee is not available. It is the duty of the authorities to constitute the service records in respect of the deceased employee and accordingly grant fixation of pay as per Government orders and pay rules in force.

3.In this regard, the Writ Petitioner is directed to submit a fresh representation along with relevant documents, if any, within a period of three weeks from the date of receipt of a copy of this order. On receipt of any such representation, the second respondent is directed to consider the same and pass orders on merits and in accordance with law, within a period of twelve weeks thereafter.

4.Accordingly, the Writ Petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
Government of Tamil Nadu,
Highways Department,
Fort St.George,
Chennai.

2. The Chief Engineer,
Highways Department,
Chennai - 600 005.



3. The Superintending Engineer,
Highways and Rural Works,
Tiruchirappalli-620 020.

4. The Superintending Engineer,
Highways and Rural Works,
Nagapattinam.

5. The Accountant General of Tamil Nadu,
Office of the Accountant General (Accounts and Entitlement),
Chennai - 600 018 .

+ 1 cc TO M/S.K.S.Vamsidhar , Advocate in SR No. 55505
+ 1 cc TO Mr.P.Gunasekaran , Advocate in SR No. 55512
+ 1 cc TO The Special Government Pleader in SR No. 56287

vsn

AE/KKR/SAR1/27.03.2018/3P/9C

W.P. (MD) No.10340 of 2013
15.03.2018