



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2018

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P(MD)No.3073 of 2011

Pandiyammal

... Petitioner

Vs

1. Government of Tamil Nadu,
Rep. By its Secretary,
Municipal Administration and
Water Supply Department,
Fort St. George,
Chennai-9.

2. The Commissioner of
Municipal Administration,
Chepauk, Chennai-5.

3. The Commissioner,
Chinnamanur Municipality,
Chinnamanur,
Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of declaration, declaring that the action of the Respondents in not granting and sanctioning time scale of pay to petitioner's deceased husband from the date of completion of 1 year from 09.02.2000, that is, from 09.02.2001 and also not sanctioning petitioner's family pension and other terminal benefits from the date of death of petitioner's husband by counting 50% of daily paid service and the entire service from 15.07.1991 to the date of his death as illegal and consequently direct the Respondents to sanction and pay time scale of pay with all consequential benefits with effect from 09.02.2011 and also to pay the family pension and other terminal benefits with interest from the date of death of petitioner's husband.

For Petitioner : Mr.T.Lajapathi Roy

For R1 & R2 : Mr.R.Sethuraman,
Special Government Pleader

For R3 : Mr.T.S.Mohammed Mohideen

**ORDER**

The relief sought for in this writ petition is for a declaration to declare the action of the Respondents in not granting and sanctioning time scale of pay to petitioner's deceased husband from the date of completion of 1 year from 09.02.2000 i.e., from 09.02.2001 and also not sanctioning petitioner's family pension and other terminal benefits from the date of death of petitioner's husband by counting 50% of daily paid service and the entire service from 15.07.1991 to the date of his death as illegal and consequently direct the Respondents to sanction and pay time scale of pay with all consequential benefits with effect from 09.02.2011.

2.The respondents passed an order on 26.04.2010 stating that the common Insurance Scheme amount of Rs.1,50,000/- was already disbursed to the writ petitioner. Further, the husband of the writ petitioner was employed as temporary employee on consolidated pay and the proposals submitted for grant of regular time scale of pay was not materialized. Thus, the writ petitioner is not eligible for revision of scale of pay or family pension. The said order of rejection, dated 26.04.2010 has not been challenged in this writ petition.

3.The fact remains that the husband of the writ petitioner was a temporary employee and was working on consolidated pay and even at the time of death, the service of the deceased employee was not regularised. Therefore, the deceased employee was not eligible for pension. Since the deceased employee was not eligible for pension, the question of considering the case of the writ petitioner for grant of family pension does not arise at all. The temporary employees working on consolidated pay are not entitled for pensionary benefits.

4.In this view of the matter, the very relief sought for in this writ petition cannot be considered. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary,
Municipal Administration and
Water Supply Department,
Fort St. George, Chennai-9.



2. The Commissioner of
Municipal Administration,
Chepauk, Chennai-5.

3. The Commissioner,
Chinnamanur Municipality,
Chinnamanur,
Theni District.

+1cc to Mr.T.Lajapathi Roy, Advocate Sr.No.57021

+1cc to Mr.T.S.Mohammed Mohideen, Advocate Sr.No.56801

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VB/JC/SAR4/05/04/2018/3P/6C

W.P (MD) No.3073 of 2011
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