



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.19980 of 2013

R.Chandra

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Represented by its Secretary to Home Department,
Fort.St.George,
Chennai-600 009.

2.The Director General of Police,
Kamarajar Salai,
Mylapore,
Chennai-600 004.

3.The Superintendent of Police,
Viruthunagar District.

... Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records and quash the impugned order passed by the 3rd respondent in Na.Ka.No:H1/45013/2012 dated 21.01.2013 and consequently direct the second and third respondents to give the family pension to the petitioner on the basis of petitioner's husband's service seniority (namely Ramakrishnan).

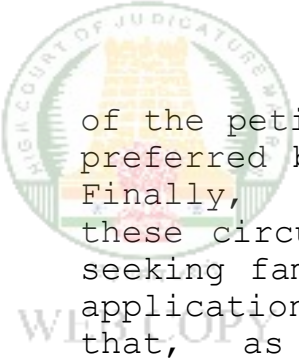
For Petitioner : Mr.A.Rajaram

For Respondents : M/S.V.P.M.Vaishnavi
Government Advocate

ORDER

The order of rejection issued by the third respondent in proceedings dated 21.01.2013 in relation to the claim of the writ petitioner for grant of family pension is under challenge in this writ petition.

2.The husband of the writ petitioner Mr. Ramakrishnan was employed as Head Constable in the Police Department on account of certain serious allegation department disciplinary proceedings were initiated against the husband of the writ petitioner under Rule 3(b) of the Tamil Nadu Police Discipline and Appeal Rules and the husband



of the petitioner was removed from Government service and the appeal preferred by the husband of the writ petitioner was also rejected. Finally, the order of removal from service was confirmed. Under these circumstances, the writ petitioner submitted an application seeking family pension under the Tamil Nadu Pension Rules 1978. The application submitted by the petitioner, was rejected on the ground that, as per rule 21 of the Tamil Nadu Pension Rules 1978, the removed employee is not eligible for pension and therefore the family pension cannot be sanctioned. The Rule 21 of the Tamil Nadu Pension Rules states that the dismissal or removal of government servant from the service to be considered as forfeiture of his past service. Thus an employee who was removed from service is not entitled for pension. When the employee is not entitled for pension, then the question of grant of family pension does not arise at all, since the family pension is consequential to the pension, which is to be granted for the employee. In this view of the matter, the order of rejection is in accord with the provisions of the Tamil Nadu Pension Rules 1978 and there is no infirmity as such in the order impugned. Accordingly, this writ petition is devoid of merits and stands dismissed. No costs.

Sd/-

Assistant Registrar (AS)

/True copy/

Sub Assistant Registrar

To

1.The Secretary to Home Department,
The Government of Tamil Nadu,
Fort.St.George,
Chennai-600 009.

2.The Director General of Police,
Kamarajar Salai,
Mylapore,
Chennai-600 004.

3.The Superintendent of Police,
Viruthunagar District.

+1CC TO M/S.A.RAJARAM, ADVOCATE, SR NO.51427
+1CC TO SPECIAL GOVERNMENT PLEADER, SR NO.51999

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vsg

MS/SKN-RSK/SAR-1/26.03.2018/2P.6C