IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2019

CORAM :

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P.No.12363 of 2018

P.Nithya ... Petitioner

Vs.

1.The Assistant Commissioner Commercial Tax,
Commercial Tax Office,
Kangeyam - 638 701.

2.Premavathi ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondent to consider the petitioner's representation dated 06.07.2017.

For Petitioner : Mr.V.S.Mahakrishnan

For Respondents : Mr.M.Hariharan
Additional Government Pleader (Taxes)
for R1

: Mr.B.Saravanan for R2

O R D E R

The relief sought for in the present writ petition is for a direction to direct the 1st respondent to consider the representation, filed by the petitioner, who is the daughter of one late Palanisamy, deceased employee of Commercial Tax Department, claiming the terminal and pensionary benefits of her parents.

2.The grievance of the writ petitioner is that the 2nd respondent, who is the mother of the writ petitioner neglected her, after the death of her father and got remarried. Therefore, the writ petitioner submitted her representation to the 1st respondent for the purpose of settling the pensionary and terminal benefits of her late father to her, however, the 1st respondent had not considered the claim of the writ petitioner on the ground that the representation is to be considered by the competent authority, namely, the Deputy Commissioner (ST) of Commercial Taxes, Erode District.

3.This Court is of an opinion that the daughter of the deceased employee, who is now aged about 33 years, is not entitled to get the terminal and pensionary benefits of her father under the Tamil Nadu Pension Rules. If at all any amount is due to the deceased employee, more specifically the parents of the writ petitioner, the same shall be paid to the writ petitioner.

4.In view of the fact that the writ petitioner, as per the Tamil Nadu Pension Rules, cannot claim family pension, the Deputy Commissioner (ST) of Commercial Taxes, Erode, is directed to look into the representation and find out, whether any arrears are due to the parents of the writ petitioner and if any arrears are due, then, the same shall be paid to the writ petitioner, if she is otherwise eligible, by following the procedures contemplated.

With these observations, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1.The Assistant Commissioner Commercial Tax,
Commercial Tax Office,
Kangeyam - 638 701.

2.The Deputy Commissioner (ST) of Commercial Taxes,
Erode District, Erode.

+1 cc to Mr.B.Saravanan, Advocate Sr.No.14789
+1 cc to Mr.V.S.Mahakrishnan, Advocate Sr.No.14170

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VSN-II(CO)
CSL/11.03.2019