

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.26626 of 2019

P.Dhanalakshmi

... Petitioner

Vs.

1.State of Tami Nadu,
Rep. by its Secretary,
Health & Family Welfare Department,
Fort St.George Town,
Chepauk,
Chennai.

2.The Accountant General (A&E),
Teynampet,
Chennai-600 018.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 16.04.2019 for sanction and disbursement of arrears of pension payable to the petitioner's deceased husband Mr.K.Pitchupatthan.

For Petitioner : Mr.A.Prabhakaran

For Respondents : Mr.K.S.Suresh
Government Advocate

O R D E R

The petitioner is the wife of one Thiru.K.Pitchupatthan, who was employed as Health Inspector (PHC) Achankuttapatti. During his service, a criminal case was foisted against him for an offence under Sections 147, 148 & 302 r/w Sec.149 IPC and the same was taken on file in S.C.No.231 of 1995 on the file of 1st Additional Sessions Judge Salem. Pending adjudication, the petitioner's husband attained the age of superannuation on 31.08.1995. Due to pendency of the case before the trial court, he was not permitted to retire by issuing G.O.(D).Nos.1186 and 1187 respectively. In the meantime, the Sessions Judge passed an order dated 11.07.1996, sentencing the petitioner to undergo

rigorous imprisonment for a period of six months. As the said order, the petitioner's husband preferred an appeal before this Court in Criminal Appeal No.575 of 1996 and this Court by an order dated 27.09.2002 modified the punishment of imprisonment to that of payment of fine of Rs.1000/- and the petitioner's husband also paid the said fine. In view of the judgment passed, the suspension period from 01.09.1995 to 14.12.2005 of the petitioner's husband has been regularized. However, in view of the commencement of disciplinary proceedings, a punishment of compulsory retirement was passed on 14.02.2005. Thereafter only provisional pension was paid for the period of suspension and the regular pension was not paid with effect from 15.12.2005. The petitioner's husband has sent several representations to the respondents in this regard and he died on 18.01.2019. Thereafter, the petitioner, who is the legally wedded wife made a representation to the respondents seeking for sanction and disbursement of arrears of pension payable by virtue of recommendation made by the VII pay commission. Since, the representation of the petitioner has not been considered, the petitioner has filed the present petition.

2.The learned counsel for the petitioner would submit that it would suffice if a direction is issued to the respondents to consider the petitioner's representation and disburse the arrears of pension.

3.Heard both sides.

4.On perusal of records, it is seen that the petitioner's husband has faced a criminal case for which he was not allowed to retire on 31.08.1995 and subsequently, the petitioner's husband was allowed to retire on 14.02.2005 and thereafter the petitioner's husband died on 18.01.2019. After the death of the petitioner's husband, the petitioner/wife had filed a petition. However, the petitioner's husband did not made any representation during his life time and also there is no proper explanation for the delay in submitting the representation to the respondents. Therefore, this Court is not inclined to give direction to the respondents to consider the petitioner's representation.

5.Accordingly, the writ petition stands dismissed. No cost.

Sd/-

Assistant Registrar

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Sub Assistant Registrar

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To

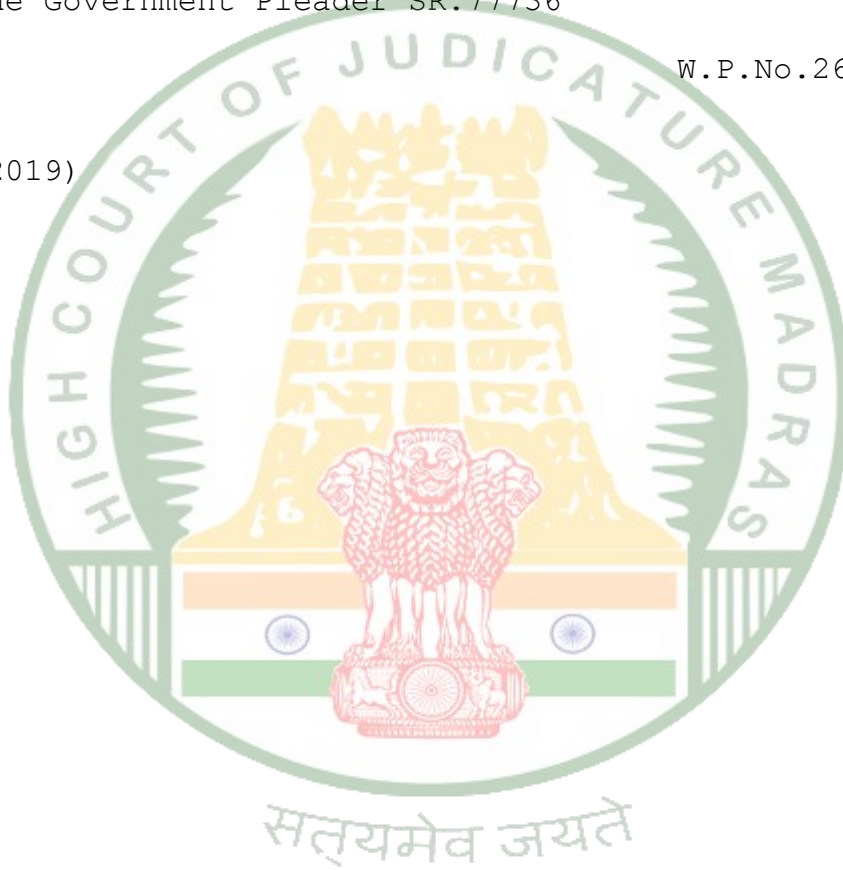
1.The Secretary,
Health & Family Welfare Department
Fort St.George, Chennai-9.

2.The Accountant General (A&E)
Teynampet, Chennai-18.

+lcc to Mr.A.Prabhakaran, Advocate SR.77483
+lcc to the Government Pleader SR.77736

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PPA(CO)
CB(07/11/2019)



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