

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.29257 of 2019

and

W.M.P.No.29058 of 2019

D.Samyuktha

.. Petitioner

Vs.

The Commissioner of Rehabilitation,
Chepauk, Chennai - 600 005.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to disburse to the petitioner ---

(a) Family Pension consequent upon the death of the petitioner's husband T.Suryanaryanan, (former Superintendent, Office of the Commissioner of Rehabilitation, Chepauk, Chennai - 5), who worked and retired on 30.04.2006 in the office of the respondent and died on 04.08.2019;

(b) Full Salary from 22.01.2001 payable to the petitioner's husband till the date of his retirement dt. 30.04.2006 with all benefits, both service and monetary and Full Pension from 01.05.2006 payable to petitioner's husband by refixing his pay and allowances consequent upon the 6th & 7th Pay Commission Recommendations implemented with interest at 12% p.a., thereon as per the orders of the Hon'ble High Court in W.P.No.5670 of 2012 & 27179/12 and in common judgment in W.A.No.516 & 517 of 2015 (Judgment dt. 12.04.2018) and the order dt.27.04.2019 in W.P.No.8377/19.

(c) Full monetary & service benefits, including Provident Fund, dues and DCRG amounts payable to petitioner's husband in the light of the orders of the Hon'ble High Court in W.P.Nos.5670/12 & 27179/12 as well as common judgment in W.A.Nos.516 & 517 of 2015 and order in W.P.No.8377/2019, by considering the petitioner's representation dt. 22.08.2019 on merits and in accordance with law as expeditiously as possible.

For Petitioner	:	Mr.R.Shanmugam
For Respondent	:	Mr.A.N.Thambidurai Special Government Pleader

O R D E R

This Writ Petition is filed for a Writ of Mandamus, directing the respondent to disburse to the petitioner ---

(a) Family Pension consequent upon the death of the petitioner's husband T.Suryanaryanan, (former Superintendent, Office of the Commissioner of Rehabilitation, Chepauk, Chennai - 5), who worked and retired on 30.04.2006 in the office of the respondent and died on 04.08.2019;

(b) Full Salary from 22.01.2001 payable to the petitioner's husband till the date of his retirement dated 30.04.2006 with all benefits, both service and monetary and Full Pension from 01.05.2006 payable to petitioner's husband by refixing his pay and allowances consequent upon the 6th & 7th Pay Commission Recommendations implemented with interest at 12% p.a., thereon as per the orders of the Hon'ble High Court in W.P.No.5670 of 2012 & 27179/12 and in common judgment in W.A.No.516 & 517 of 2015 (Judgment dated 12.04.2018) and the order dated 27.04.2019 in W.P.No.8377/19.

(c) Full monetary & service benefits, including Provident Fund, dues and DCRG amounts payable to petitioner's husband in the light of the orders of the Hon'ble High Court in W.P.Nos.5670/12 & 27179/12 as well as common judgment in W.A.Nos.516 & 517 of 2015 and order in W.P.No.8377/2019, by considering the petitioner's representation dated 22.08.2019 on merits and in accordance with law as expeditiously as possible.

2. The case of the petitioner is that the petitioner is the wife of the deceased T.Suryanarayanan, who died on 04.08.2019. The petitioner's husband worked as Section Superintendent in the Office of the Commissionerate of Rehabilitation, Chepauk, Chennai - 600 005. After the death of her husband, the family pension, full salary and full monetary and service benefits were not given to the petitioner. Therefore, the petitioner made a representation on 22.08.2019 to the respondent to settle the entire arrears of family pension, full salary and full monetary and service benefits payable to the petitioner's husband. However, till date the representation dated 22.08.2019 was not considered by the respondent. Hence, the petitioner has come out with the present Writ Petition

3. The learned counsel for the petitioner would submit that while the petitioner was in service, there were disciplinary proceedings against him and the same came to be end. Therefore, there is no legal impediment for granting family pension, full

salary and full monetary and service benefits in favour of the petitioner and the same shall be granted in favour of the petitioner within a reasonable time. He would further submit that earlier occasion this Court directed the petitioner to produce the legal heirship certificate and he produced a copy of the same before this Court. He also submitted that it would be suffice to issue direction to the respondent to consider the petitioner's representation dated 22.08.2019 and pass orders on same on merits and in accordance with law.

4. Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the respondent would submit that the representation dated 22.08.2019 of the petitioner will be considered and the family pension, full salary and full monetary and service benefits of the petitioner's husband will be given in favour of the petitioner by the respondent within a reasonable time, if the petitioner files the legal heirship certificate before the respondent.

5. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondent and perused the entire materials on record.

6. Considering the facts and circumstances of the case and the limited request made by the learned counsel for the petitioner, this Court hereby directs the respondent to consider the representation of the petitioner dated 22.08.2019 and pass orders on the same on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order, if the petitioner files the legal heirship certificate within a period of two weeks from the date of receipt of a copy of this order.

7. With the above direction, the Writ Petition is disposed of. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

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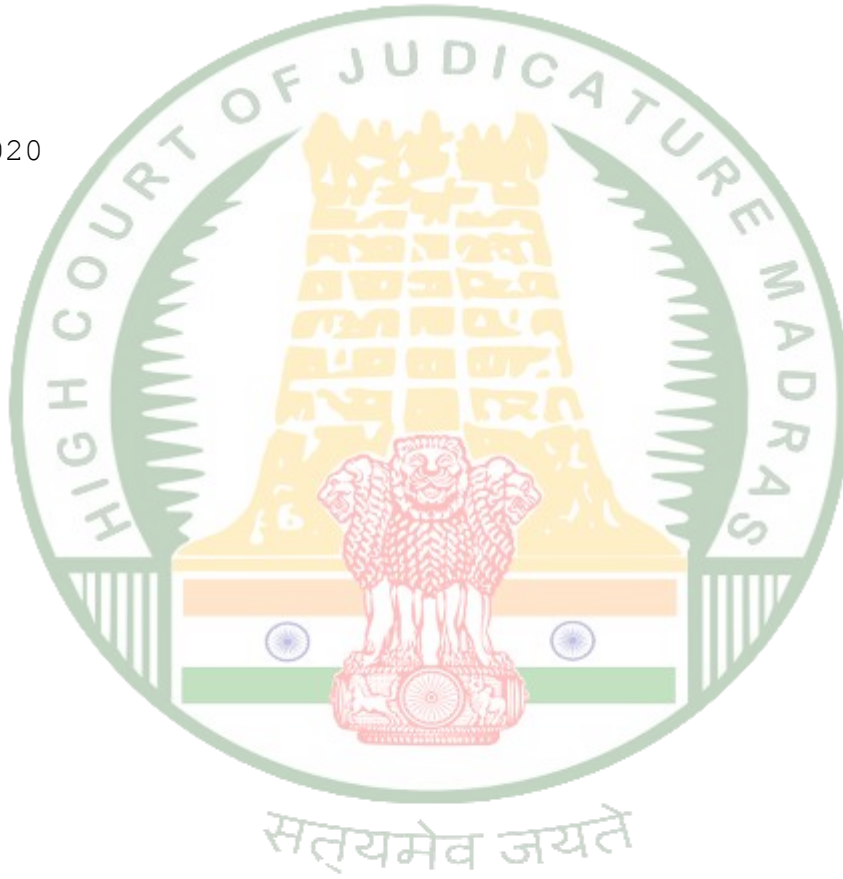
To

The Commissioner of Rehabilitation,
Chepauk,
Chennai - 600 005.

+2 ccs to M/s.R.Shanmugam Advocate sr90291
+1 cc to the Government Pleader sr91091

W.P.No.29257 of 2019

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