



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

WP (MD) No.21329 of 2016

WEB COPY

Annamma

... Petitioner

Vs.

1.The Chief Secretary,
Secretariat, Chennai -9.

2.The Municipal Commissioner,
Chepakam, Chennai - 5.

3.The District Collector,
Kanyakumari District,
Nagercoil.

4.The Commissioner,
Kuzhithuai Municipality,
Marthandam Post,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to grant the petitioner, her deceased husband's pensionary and death benefits.

For Petitioner	: Mr.Hariprasad
For R1 to R3	: Mrs.J.Padmavathy Devi Special Government Pleader
For R4	: Mr.K.Vamanan

ORDER

The petitioner has filed the present Writ Petition seeking a direction to the respondents to grant her husband (deceased) pensionary and other benefits to her.

2. According to the petitioner, her husband, who was working as a Sanitary Worker in the 4th respondent Municipality, went on Medical Leave and despite submission of "Certificate for fitness", he was refused to join duty by the 4th respondent and subsequently, he died on 26.02.2011. Hence, the petitioner has sent a representation dated 03.12.2015 to the respondents seeking service record and pensionary benefits of her husband. On such representation, the 2nd respondent has stated that the petitioner's husband had been removed from service on 24.07.2001 itself. Therefore, the petitioner has filed the present Writ Petition seeking the aforesaid relief.



3. It is submitted by the learned Special Government Pleader appearing for the respondents 1 to 3 that the petitioner's husband was removed from the service in the year 2001 itself and the said removal had not been challenged in any of the proceedings by the petitioner's husband.

4. This Court is of the view that, since the husband of the petitioner was removed from service in the year 2001 itself and the same has not been challenged in any of the proceedings, the claim made by the petitioner seeking pensionary and other benefits cannot be considered. Hence, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar

/ True Copy /

Sub Assistant Registrar(CS)

trp

To

1.The Chief Secretary,
Secretariat, Chennai -9.

2.The Municipal Commissioner,
Chepakam, Chennai - 5.

3.The District Collector,
Kanyakumari District,
Nagercoil.

4.The Commissioner,
Kuzhithuai Municipality,
Marthandam Post,
Kanyakumari District.

+1 CC to M/s.K.VAMANAN, Advocate (SR-57573[F] dated 28/03/2019)

+1 CC to M/s.M.P.HARIPRASAD, Advocate (SR-57427[F] dated 28/03/2019)

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ES/13.05.2019/2P/7C

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