



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.19205 of 2019

M.Hariharakrishnan

...Petitioner

-Vs-

1.The Director of Medical and
Rural Health Services
Chennai 6

2.The Joint Director of Health Services
Ramanathapuram District
Ramanathapuram

3.The Hospital Superintendent
Government Head Quarters Hospital
Ramanathapuram

... Respondents

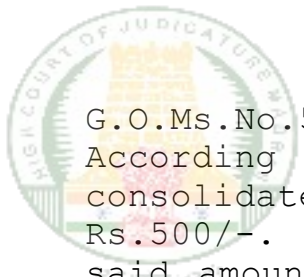
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records connected with the impugned order passed by the 3rd respondent in Na.Ka.No.35/Ni-2/2019 dated 23.05.2019 and quash the same and consequently direct the respondents to sanction the family benefit fund of Rs.3,00,000/- due to the death of the petitioner's wife namely Sudha, in terms of G.O.Ms.No.57, Finance Department, 22.02.2016.

For Petitioner : Mr.S.Govindan
For Respondents : Mr.V.R.Shanmuganathan
Special Government Pleader

ORDER

This Writ Petition is filed to call for the records connected with the impugned order passed by the 3rd respondent in Na.Ka.No.35/Ni-2/2019 dated 23.05.2019 and quash the same and consequently, direct the respondents to sanction the family benefit fund of Rs.3,00,000/- due to the death of the petitioner's wife namely Sudha, in terms of G.O.Ms.No.57, Finance Department, 22.02.2016.

2. The petitioner's wife was appointed as Nurse on 23.08.2016 on consolidated pay. She was posted at Government Primary Health Centre Mudisnagar, Coimbatore District. Subsequently, she was transferred to Government Headquarters Hospital, Ramanathapuram on 06.06.2017. While so, on 05.10.2018 the petitioner claimed a sum of Rs.3,00,000/- as per



G.O.Ms.No.57 Finance (Pension) Department, dated 22.02.2016. According to the petitioner, his wife was a regular employee on consolidated pay of Rs.7,700/- per month with annual increment of Rs.500/-. The petitioner gave representation for payment of the said amount. The respondents rejected the same by impugned order on the ground that the petitioner's wife was employed only on contract basis and therefore, no amount was deducted towards Family Welfare Fund, hence, the petitioner is not entitled for the said benefit. Challenging the said order, the petitioner has come up with the present Writ petition.

3. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents and perused the materials available on record.

4. In the typed set of papers, the petitioner has filed the appointment and posting order of his wife, dated 23.08.2016. A reading of the said order shows that the petitioner's wife was appointed temporarily on consolidated pay. The Family Benefit Fund as per G.O.Ms.No.57 Finance (Pension) Department, dated 22.02.2016, is applicable to the temporary employees also. The respondents denied the benefit under the said Scheme to the petitioner on erroneous ground that the petitioner's wife employed only on contract basis and no amount was deducted, whereas, the petitioner's wife was appointed as temporary employee on consolidated pay. The failure on the part of the respondents to deduct the amount towards the Family Benefit Scheme cannot be the reason for denying the benefit to the petitioner. In as much as the petitioner's wife was appointed on temporary basis and was working till her death, the petitioner is entitled to the benefit as provided under G.O.Ms.No.57, Finance (Pension) Department, dated 22.02.2016.

5. For the above reason, the order of the third respondent dated 23.05.2019, is set aside and this Writ petition is allowed as prayed for. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar (CS)

msa

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To

1.The Director of Medical and
Rural Health Service
Chennai 6

2.The Joint Director of Health Services
Ramanathapuram District
Ramanathapuram

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+1 CC to M/s.S.GOVINDAN, Advocate (SR-98492[F] dated 15/11/2019)

+1 CC to M/s.GP (SR-99020[F] dated 18/11/2019)

W.P. (MD) No.19205 of 2019
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