



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.07.2019

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P[MD]No.18843 of 2015

WEB COPY

C.Papathi

... Petitioner

Vs.

1.The Secretary to Government,
Tamil Development and
Information (Thava 1.2) Department,
Fort St. George, Chennai - 9.

2.The Accountant General (A&E) Tamil Nadu,
O/o. Prl. Accountant General (A&E) Tamil Nadu,
Teynampet, Chennai - 18.

3.The District Collector,
Madurai District.

4.The Tahsildar,
Melur Taluk,
Madurai District.

5.The Additional Treasury Officer,
Melur,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to sanction the arrears of Pension to the petitioner's husband from 17.04.2008 onwards the date of passing G.O.136, Tamil Development, Endowments and Information (Thava 1.2) Department, dated 17.04.2008 and disburse the arrears to the petitioner the spouse of the deceased Tamil Scholar.

For Petitioner : Mr.D.Gandiraj
For Respondents 1,3,4&5 : Mr.K.Mu.Muthu
Additional Government Pleader
For Respondent No.2 : Mr.P.Gunasekaran
Standing Counsel

O R D E R

The relief sought for in the present writ petition is for a direction to sanction the arrears of pension to the petitioner's husband from 17.04.2008 onwards, the date on which G.O.(Rt)No.136, Tamil Development Endowments and Information (Thava 1.2)



Department was passed.

2.The learned Counsel for the petitioner states that her husband Late.Mr.N.C.Chinnakkannu, was a Tamil Scholar. He contributed for the development of Tamil culture. The husband of the writ petitioner was selected as Tamil Scholar by the Government of Tamil Nadu. Accordingly, pension was sanctioned to him in proceedings dated 17.10.1988. The pension was stopped in between and thereafter, the Government issued G.O.(Rt)No.136, Tamil Development Endowments and Information (Thava 1.2) Department dated 17.04.2008, sanctioning pension afresh to all the Tamil Scholars. The husband of the writ petitioner died on 12.04.2008. Thereafter, the writ petitioner submitted an application seeking pension under the provisions of the Tamil Nadu Payment of Pension to Tamil Scholars and Miscellaneous Provisions Act, 1983. The application of the writ petitioner forwarded to the District Collector, Madurai District, through the Tahsildar, Melur Taluk. The District Collector forwarded the proposal to the Government and the Government also issued G.O.(Rt)No.167, Tamil Development and Information Department dated 09.10.2014, sanctioning pension to the writ petitioner.

3.Learned Counsel for the writ petitioner states that the writ petitioner is now receiving pension. However, the arrears of pension from 2008 onwards has not been granted to the writ petitioner. Thus, the writ petitioner is constrained to move the present writ petition.

4.Pension for Tamil Scholars was issued by way of a Scheme and the writ petitioner was sanctioned with the family pension by way of a separate order passed in G.O.(Rt)No.167, Tamil Development and Information Department dated 09.10.2014. The said Government Order categorically states that as per the recommendations of the Director of Tamil Development, the family pension was granted to 29 persons from the date of issuance of the Government Order in G.O.(Rt)No.167, Tamil Development and Information Department dated 09.10.2014.

5.The Government Order itself states that the pension is to be granted from the date of the Government Order. The writ petitioner has not challenged the said Government Order granting Family Pension to her. When the Government Order states that the family pension is to be granted to 29 persons from the date of issuance of the order in G.O.(Rt)No.167, Tamil Development and Information Department dated 09.10.2014, now the writ petitioner cannot seek a direction for the purpose of getting arrears of pension from the year 2008 onwards. Admittedly, the writ petitioner is now receiving family pension and therefore, the question of paying arrears of pension does not arise at all. Even the Government Order issued granting Family Pension with effect from the date of issuance of the order has not been challenged in the



present writ petition.

6. For all these reasons, this Court is not inclined to accept the claim of the writ petitioner. Accordingly, the Writ Petition stands dismissed. No costs.

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Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Secretary to Government,
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Information (Thava 1.2) Department,
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2. The Accountant General (A&E) Tamil Nadu,
O/o. Prl. Accountant General (A&E) Tamil Nadu,
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4. The Tahsildar,
Melur Taluk, Madurai District.

5. The Additional Treasury Officer,
Melur, Madurai District.

+1 CC to M/s.D.GHANDIRAJ, Advocate (SR-74777[F] dated
11/07/2019)

+1 CC to M/s.SPL GP (SR-75046[F] dated 12/07/2019)

MR

W.P[MD]No.18843 of 2015
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KM/ (22.07.2019) 3P 8C