

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 28.06.2019****CORAM:****THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM****W.P. (MD) No.596 of 2013**

WEB COPY

S.Pushpavally Stephenson

... Petitioner

-Vs-

1.The Commandant,
CRPF, Southern Section,
Road No.10C, Jubilee Hills,
Near MLA / MPS Colony,
Hyderabad-33.

2.The Government of India,
Represented through its Secretary,
Ministry of External Affairs,
New Delhi.

3.The Directorate General CRPF,
CPO Complex B-1,
LODI Road, New Delhi-3.
(Ministry of Home Affairs / Grih Mantralaya)

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the petitioner's husband Mr.Stephenson's service register and quash the first respondent's endorsement dated 03.10.1973 and directing the respondents to sanction the entire benefits of salary from 24.04.1973 to till the date of retirement and retirement benefits of the petitioner husband Mr.S.Stephenson to her and her son and consequently, sanction the family pension to her from the date of retirement considering the petitioner's representation dated 20.09.2012 by this Court.

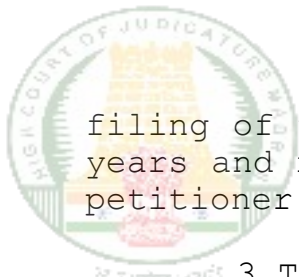
For Petitioner : Mr.A.Haja Mohideen

For Respondents : Mr.K.R.Laxman

ORDER

The husband of the writ petitioner was initially appointed as Constable No.5414 in CRPF and thereafter, deputed as Security Guard in Indian High Commission Office at London. He has deserted the job and not attended the duty at London with effect from 17.04.1973.

2.The learned counsel appearing on behalf of the respondents made a submission that after deserting the job during the year 1973, the husband of the writ petitioner got remarried at London and was residing there. The husband of the writ petitioner never came back to India and subsequently, the department came to understand that he passed away. The writ petitioner, who is the first wife of the deceased employee, got married long back. Even at the time of



filing of this Writ Petition, the writ petitioner was aged about 62 years and now, she would be around 68 years. The claim of the writ petitioner is for grant of family pension.

3. The learned counsel appearing on behalf of the respondents made a submission that the writ petitioner is not entitled for any pension under the Tamil Nadu Pension Rules. The husband of the writ petitioner deserted the job during the year 1973. Thus, his service was terminated and the order of termination was sent to the last known address and therefore, the writ petitioner's husband, who was employed, has not turned back for adjudication of any grievance. Thus, the order of termination became final during the year 1973-74 itself and the family pension now sought for by the writ petitioner after a lapse of many decades, cannot be considered at all.

4. This Court is of the considered opinion that even as per the statement of the writ petitioner, there is an endorsement by the first respondent on 03.10.1973. The very relief sought for in the present Writ Petition is to quash the endorsement, terminating the service made on 03.10.1973. Such a relief of quashing the order of termination, cannot be sought for by the wife of the deceased employee / writ petitioner, more specifically, after a lapse of about 46 years. In view of the fact the claim itself is highly belated and further considering the fact that the husband of the writ petitioner was terminated from service during the year 1973 and the order of termination became final, there is no reason to consider the case of the writ petitioner for grant of family pension or otherwise.

5. With these observations, this Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (A.S)

// True Copy //

Sub Assistant Registrar(CS)

+1 CC to Mr.K.R.LAXMAN, Advocate SR-72474.

W.P(MD)No.596 of 2013

CS: (10/07/2019) 2P 2C