



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Writ Petition No.14743 of 2014

1. P.Gopal (deceased)
 2. G.Indirani
- ... Petitioners

vs.

1. The Government of Tamil Nadu,
rep. by Secretary to Government,
Rural Development & Panchayat Raj Department,
Fort St. George,
Chennai 600 009.
 2. The Director,
Local Fund Audit,
Kuralagam, Chennai 600 108.
 3. The District Collector,
Dharmapuri District,
Dharmapuri.
 4. The Panchayat Union Commissioner,
Morappur Panchayat Union,
Morappur,
Dharmapuri District.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus directing the Respondents to grant pensionary and other monetary benefits of the deceased School Conductress namely K.Visalakshi which arises due to the proceedings of the 3rd Respondent issued in Roc.No.128590/94/N1, dated 13.08.1996, to the Petitioner, including arrears of pension and also issue a consequential direction to the Respondents to grant family pension and arrears of family pension to the Petitioner from 06.05.2010 when the deceased School Conductress died, with interest at 18% per annum.

(Prayer amended vide order dated 15.04.2019 made in Memo in W.P.No.14743 of 2014)

For Petitioner : Mr.R.Saseetharan
For Respondents: Mr.S.Thangavel,
Special Government Pleader



ORDER

This Writ Petition has been filed seeking a direction to the Respondents to grant pensionary and other monetary benefits of the deceased viz. K.Visalakshi, who worked as a School Conductress at Panchayat Union School, C.Pallapatti, Morappur Panchayat Union, Dharmapuri District, to the Petitioner, in view of the proceedings dated 13.08.1996 issued by the 3rd Respondent and for a consequential direction to the Respondents to grant family pension and arrears of family pension from 06.05.2010 with interest at 18% per annum.

2. It is seen that, during the pendency of this Writ Petition, the 1st Petitioner viz. P.Gopal, husband of the deceased Visalakshi died and the 2nd Petitioner, who is the daughter of the deceased School Conductress is claiming pensionary and other monetary benefits of her mother.

3. It is stated by the Petitioner viz. G.Indirani that, her mother viz. K.Visalakshi was appointed as School Conductress on part-time basis on 12.10.1963 by an order of the Panchayat Union Commissioner, Morappur Panchayat Union, Dharmapuri District and that, she worked for more than 40 years and she was allowed to retire from service on 30.06.1993.

4. The case of the Petitioner is that, pensionary benefits were not granted to the deceased School Conductress only on the ground that, the deceased servant was on leave for 3 years and 29 days without salary.

5. In the proceedings dated 04.04.2000 issued by the Panchayat Union Commissioner, Morappur, it is stated that, the deceased School Conductress had completed 10 years of service and hence, she is eligible for pensionary benefits as per G.O.Ms.No.810, dated 09.08.1989 and that, her services were regularized as per the proceedings dated 13.08.1996 passed by the District Collector. Further, the Panchayat Union Commissioner, Morappur Panchayat Union forwarded a proposal for minimum pension for the service rendered by the deceased School Conductress for 18 years and 2 months, by counting the regular service alone. However, no pensionary benefits were granted to the deceased School Conductress.

6. After the death of her mother, who retired as a School Conductress, the Petitioner and her father made representations to the Respondents on 06.07.2010, 29.06.2011 and 06.02.2012 for grant of pensionary benefits and arrears of family pension of the deceased. However, no action has been taken so far. Hence, the present Writ Petition.

7. Drawing attention to paragraph No.14 of the counter



Affidavit filed by the 4th Respondent, learned Special Government Pleader appearing for the Respondents pointed out that, the 2nd Respondent in his proceedings dated 24.03.1999 and 21.06.2000, had categorically stated that, the mother of the Petitioner, who worked as a School Conductress, could not have been permitted to retire from service, and she should have been removed from service, as she was on continuous leave on loss of pay for 3 years and 29 days, wherein, no ratification orders were obtained for regularizing such period of leave, which is against the Government Orders. He also pointed out that, the 4th Respondent sent a proposal to the 2nd Respondent herein, which was rejected by specific proceedings. It is his contention that, if the Petitioner is really aggrieved over the non-sanction of pensionary benefits, she should have filed a Writ Petition challenging the respective proceedings dated 24.03.1999 and 21.06.2000 passed by the 2nd Respondent.

8. It is further submitted by the learned Special Government Pleader that, if ratification orders have to be obtained from the Government, the Assistant Elementary Educational Officer, Morappur has to take steps for getting such ratification. But, the Petitioner has not made him party to the Writ Petition.

9. Heard the learned counsel on either side and perused the material documents available on record.

10. Having regard to the submissions made by the learned counsel on either side and without going into the merits of the case, this Court directs the 4th Respondent herein to forward the proposal in respect of the deceased School Conductress viz. K.Visalakshi to the 2nd Respondent herein to enable the latter get ratification from the Government for passing appropriate orders in respect of disbursement of pensionary and monetary benefits of the deceased School Conductress to her legal heir, the Petitioner herein. The said exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.

The Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

(aeb)



To:

1. The Secretary to Government,
Government of Tamil Nadu,
Rural Development & Panchayat Raj Department,
Fort St. George, Chennai 600 009.
2. The Director,
Local Fund Audit,
Kuralagam,
Chennai 600 108.
3. The District Collector,
Dharmapuri District,
Dharmapuri.
4. The Panchayat Union Commissioner,
Morappur Panchayat Union,
Morappur, Dharmapuri District.

+1cc to Mr.R.Saseetharan, Advocate, S.R.No. 36250

+1cc to the Government Pleader, S.R.No. 36505

W.P.No.14743 of 2014

GP(CO)
GN(11/12/2020)