



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.09.2020**

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.12186 of 2020

WEB COPY

Mrs.P.Padmavathy

...Petitioner

-Vs-

1.The Government of Tamil Nadu,
Rep.by the Commissioner,
Hindu Religious and Charitable Endowments Department,
Nungambakkam,
Chennai 600 034.

2.The Joint Commissioner/Executive Officer,
O/o.The Administrative Officer,
Meenakshi Sundareswar Temple Complex,
Madurai-625 001.

3.The Assistant Commissioner,
O/o.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
No.32/B1, Jawans Bhawan,
Mela Veli Street,
Madurai-625 001.

4.The Executive Officer,
O/o.The Executive Officer,
Meenakshi Sundareswar Temple Complex,
Madurai-625 001.

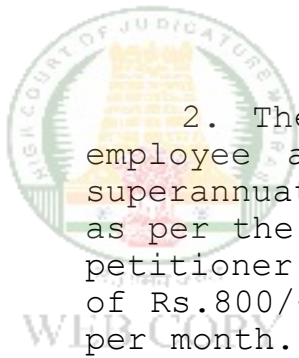
...Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the Respondents No.2 and 3 to provide the family Pension eligible to the petitioner with effect from 01.01.2015 onwards continuously within the time stipulated by this Court.

For Petitioner : Mr.T.Aswin Rajasimman
For R1 & R3 : Mr.K.P.Narayanakumar,
Special Government Pleader
For R2 & R4 : Mr.V.R.Shanmuganathan
Standing Counsel

ORDER

The prayer sought for in this writ petition is for a Writ of Mandamus, directing the Respondent Nos.2 and 3 to provide the family Pension eligible to the petitioner with effect from 01.01.2015 onwards continuously within the time stipulated by this Court.

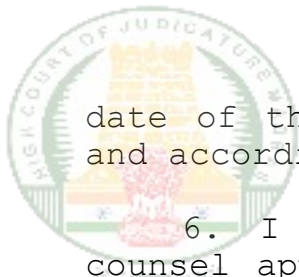


2. The petitioner's husband one Pandirajan was working as an employee at the second and fourth respondents temple and after superannuation, he retired from service on 31.05.2012. Thereafter, as per the order of the authorities concerned, dated 16.06.2012, the petitioner's husband was given pension from 01.06.2012 at the rate of Rs.800/- per month and thereafter, it was increased to Rs.1000/- per month. While that being so, suddenly, the petitioner's husband died on 01.01.2015, therefore, the pension hitherto paid to the petitioner's husband was stopped abruptly. In this context, in order to get the family pension or pension arrears payable to the petitioner's husband, from 01.01.2015 to till date, the petitioner has made a request on 19.06.2020 and 05.09.2020 to the respondents, especially, the second and fourth respondents, however, since the said representations have not been considered so far, this writ petition has been filed by the petitioner, who is the wife of the deceased retired employee.

3. I have heard Mr.T.Aswin Rajasimman, learned counsel appearing for the petitioner, who would submit that, insofar as the family of the petitioner is concerned, even one son of the petitioner also recently died in the month of July, 2020 and therefore, the petitioner being a widow is singly living without any support for her livelihood. Therefore, whatever the pension payable to the petitioner's husband and subsequently by way of family pension to the petitioner, the same can be quantified and be paid and a direction to that effect may be issued to the respondents temple authority, he contended.

4. I have heard Mr.VR.Shanmuganathan, learned Standing Counsel appearing for the respondents 2 & 4, who, on instructions would submit that, earlier a Government Order was issued on 14.12.2015, under which those employees of the temple concerned died on or after 14.12.2015 alone are entitled for the family pension, therefore, the family members of the deceased employee after 14.12.2015 alone were considered for getting the family pension and since the petitioner's husband died earlier to the date of the Government Order i.e., on 01.01.2015, the position was hitherto that, the family members like the petitioner might not be entitled to get the family pension in view of the import of the said Government Order, dated 14.12.2015.

5. The learned Standing Counsel would however submit that, recently, the Government through the Department of Tourism Culture and Religious Endowment, has issued a Government Order on 19.03.2020, namely, G.O.(MS)No.77, under which, the earlier Government Order was modified and the effect of which is that, those temple employees, who died even prior to 14.12.2015 and their family members also would be entitled to get family pension and therefore, in view of the latest G.O.(MS)No.77, dated 19.03.2020 certainly the plea now raised by the petitioner through the representations referred to above would be considered by the temple authorities and



date of the death of the petitioner's husband would be quantified and accordingly, the same would be paid.

6. I have heard the said submissions made by the learned counsel appearing for the parties and I have perused the materials placed before this Court.

7. Since the learned Standing counsel appearing for the respondents 2 & 4 has made a fair submission that, in view of the latest G.O.(Ms)No.77 of Tourism Culture and Religious Endowment Department, dated 19.03.2020 is concerned, it has envisaged that, even the retired employees, who died prior to 14.12.2015, whose family members would be entitled to get family pension, certainly, the petitioner also would be entitled to get family pension in view of the death of her husband on 01.01.2015. Therefore, based on the said submission made by the learned counsel appearing for the second and fourth respondents temple, there could be no further impediment to consider the request of the petitioner for disbursement of family pension.

8. Accordingly, this Court is inclined to pass the following orders in this writ petition:-

"that the second and fourth respondents are hereby directed to forward the proposal to the first respondent and on receipt of the proposal from the respondents 2 & 4 within a period of four weeks, the first respondent shall pass orders quantifying the family pension and pension arrears payable to the petitioner and also order to that effect for disbursement of arrears of family pension and also for continuous payment of family pension every month to the petitioner till her entitlement. The said order shall be passed by the first respondent as indicated above, within a period of four weeks thereafter.

9. With this direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant



To

1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Nungambakkam,
Chennai 600 034.

2.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
No.32/B1, Jawans Bhawan,
Mela Veli Street,
Madurai-625 001.

+1 CC to M/s.T. LAJAPATHI ROY, Advocate (SR-17665[F] dated
22/09/2020)

+1 CC to M/s.GP (SR-17731[F] dated 22/09/2020)

Order made in
W.P. (MD) No.12186 of 2020

Dated:
21.09.2020

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CK (CO)

KK(03.12.2020) 4P 5C