



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.10687 of 2015

WEB COPY

Mrs.S.Subbammal

... Petitioner

Vs.

1.The Secretary to Government of Tamil Nadu,
Public Works Department,
Secretariat,
Fort St.George,
Chennai-06.

2.the Managing Director,
TWAD Board,
Chepauk,
Chennai-09.

3.The Executive Engineer,
Urban Division,
T.W.A.D Board,
Palayamkottai,
Tirunelveli-627002.

4.The Principal Accountant General (A&E)
261, Annasalai,
Chennai.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to work out the pension admissible to the petitioner's husband late Sundaram Pillai from 20.09.1965 for his periods of 14 years service in the non-provincialized services for pension and pay the family pension to the petitioner as admissible with due arrears in the light of the order passed by the Principal Bench of this Court in W.P.No.27924 of 2014 dated 09.02.2015 subject to the reduction of ex-gratia pension paid to the petitioner hitherto within a stipulated period of time that may be fixed by this Court.

For Petitioner	: Mr.S.Siva Ilayaraja
For R1	: Mr.S.Dhayalan
	Government Advocate
For R2 & R3	: No appearance
For R4	: Mr.P.Gunasekaran



ORDER

The relief sought for in the present writ petition is to direct the respondents to work out the pension admissible to the petitioner's husband late Sundaram Pillai from 20.09.1965 for the service rendered by him in the non-provincialized service and accordingly, calculate the family pension and pay the same to the petitioner, in the light of the order passed by this Court in W.P (MD).No.27924 of 2014, dated 09.02.2015.

2.The grievances of the writ petitioner is that she is the family pensioner and her husband was working in the service of erstwhile District Board under the Public Health Department, which was non pensionable establishment. Subsequently, it was brought under the control of TWAD Board in the year 1971 and new set of Rules were framed.

3.The Government took a policy decision to grant ex-gratia pension to the pensioners, who served in the erstwhile District Board. The Government Order issued in G.O.Ms.No.1392 Finance (Pension) Department, dated 31.12.1990, states that ex-gratia pension to the families of the deceased Contributory Provident Fund is also granted, with reference to the terms and conditions stated in the Government Order. The respondents have sanctioned ex-gratia pension as well as the pension to the husband of the writ petitioner and now, the writ petitioner is receiving family pension. The Family Pension Book is enclosed in Page No.5 of the typed-set of papers which reveals that the ex-gratia family pension was granted with effect from 31.12.1990 from the date of the Government Order issued in G.O.Ms.No.1392.

4.The facts and circumstances with reference to the Writ Petition in W.P.No.27924 of 2014 has no relevant as far as the facts and circumstances of the present writ petition is concerned. Thus, there cannot be a uniform application in the matter of grant of ex-gratia family pension to the writ petitioner.

5.The case of the writ petitioner was considered by the authorities competent with reference to the Government Order issued in G.O.Ms.No.1392 and accordingly, she is receiving ex-gratia family pension with effect from 31.12.1990. This being the factum, no further consideration can be shown and accordingly, this Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To

1. The Secretary to Government of Tamil Nadu,
Public Works Department,
Secretariat,
Fort St.George,
Chennai-06.

2. The Principal Accountant General (A & E),
261,Anna Salai, Chennai.

W.P. (MD) No.10687 of 2015

30.11.2020

ma (CO)

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