



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.10.2020

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THE HONOURABLE MR.JUSTICE **S.M.SUBRAMANIAM**

W.P.(MD) No.14375 of 2015

G.Jayanthi,D/o Mariammal (Died)
(Petitioner is legal heir of the
deceased sole petitioner, vide order dated 07.02.2019.)
...Petitioner

Vs.

1.The State of Tamil Nadu
Rep. by its Secretary,
Department of Finance (Pension),
Fort St. George,
Chennai - 06.

2.The Accountant General
O/o. The Accountant General,
261, Anna Salai
Chennai - 18.

3.The Director of School Education,
College Road,
Chennai - 06.

4.The Chief Educational Officer
O/o. The Chief Educational Officer
Tirunelveli, Tirunelveli District.

5.The Headmaster
Government High School,
Mullikulam,
Tirunelveli District.

6.The Commissioner,
Government Data Centre,
Guindy,
Chennai-32,

...Respondents

(R6 suo-motu impleaded as per order of
this Court, dated 13.10.2020)

PRAYER: Writ petition filed under Article 226 of the Constitution of
<https://hcservices.ecourts.gov.in/hcservices/>



India, to issue a Writ of Mandamus, directing the Respondents 1 to 5 to disburse the Family pension and consequently direct the respondents to disburse forthwith the pension amount collected under the Contributory Pension Scheme, Family pension scheme and pass orders within the time stipulated by this Court.

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For Petitioner	: Ms.Akilandeswari,
	For Mr.T.Lajapathi Roy
For R-1, R-3 to R-6	: Mr.J.Gunaseelan Muthiah,
	Additional Government Pleader
For R-2	: Mr.P.Gunasekaran
	Standing Counsel

O R D E R

The relief sought for in the present writ petition is to direct the respondents 1 to 5 to disburse the family pension under the contributory pension scheme applicable to the writ petitioner.

2.In view of the fact that the Contributory Pension Scheme Accounts were transferred to the Office of the Commissioner, Government Data Centre, Guindy, Chennai-32, the said Commissioner is suo-motu impleaded as sixth respondent in the Writ Petition, for the purpose of settling the benefits under the Contributory Pension Scheme in favour of the writ petitioner.

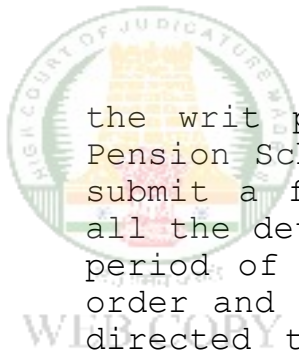
3.The Registry is directed to implead the Commissioner, Government Data Centre, Guindy, Chennai-32, as sixth respondent in the writ petition and communicate a copy of the order to the suo-motu impleaded sixth respondent.

4.The writ petition was originally filed by G.Mariamammal and during the pendency of the writ petition, she died and her daughter namely, G.Jayanthi, was impleaded as writ petitioner.

5.The grievance of the writ petitioner is that the original writ petitioner was a widow of the Government servant, who served as part time Sweeper. It is brought to the notice of this Court that the services of the said part time Sweeper was regularised on 23.03.2008. Thus, he was made eligible to get pension benefits under the contributory pension scheme.

6.The learned counsel appearing on behalf of the writ petitioner made a submission that the benefits as applicable under the Contributory Pension Scheme has not been paid to the wife of the deceased employee and she also died and now the daughter of the employee has been impleaded.

7.This Court is of the considered opinion that the services of the deceased employee was regularised with effect from the year 2008 and his name was included in the Contributory Pension Scheme. Thus, the Competent Authorities are bound to consider the case of



the writ petitioner for grant of benefits under the Contributory Pension Scheme. In this regard, the writ petitioner is directed to submit a fresh representation to the third respondent setting out all the details and by enclosing all the relevant documents within a period of three weeks from the date of receipt of a copy of this order and on receipt of the representation, the third respondent is directed to consider the same and pass orders on merits and in accordance with law within a period of twelve weeks thereafter.

8. With these directions, the writ petition stands disposed.
No costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Rm

To

1. The State of Tamil Nadu

Rep. by its Secretary,

Department of Finance (Pension), Fort St. George, Chennai - 06.

2. The Accountant General

O/o. The Accountant General,

261, Anna Salai Chennai - 18.

3. The Director of School Education,

College Road, Chennai - 06.

4. The Chief Educational Officer

O/o. The Chief Educational Officer

Tirunelveli, Tirunelveli District.

5. The Headmaster

Government High School, Mullikulam, Tirunelveli District.

6. The Commissioner,

Government Data Centre, Guindy, Chennai-32,

+1 CC to M/s. T. LAJAPATHI ROY, Advocate (SR-20001[F] dated 14/10/2020)

+1 CC to M/s. GP (SR-20025[F] dated 14/10/2020)

W.P. (MD) No.14375 of 2015

(2/2)

13.10.2020

AP(29.10.2020) 3P 9C

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