



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD)No.15830 of 2015

and

M.P(MD) .No.1 of 2015

WEB COPY

Smt.S.Vijalakshmi

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep by its Secretary to Finance Department,
Fort St. George,
Chennai-600 009.

2.The Director of Pension Department,
No.254, Annasalai, 2nd Floor,
DMS Compound,
Teynampet, Chennai.

3.The Additional Director General of Prison,
Prisonary Department,
No.1, Gandhi Irvin Road,
Egmore, Chennai-8.

4.The Deputy Inspector General of Prison,
Trichy Range,
Trichy-23.

5.The Superintendent of Prison,
Trichy,
Trichy District.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order made in No.18/R.T.I/2014 dated 10.09.2014 passed by the 4th respondent and quash the same and consequently, direct the 4th respondent to forward the service register and proposals of the service rendered by the petitioner's husband namely Sangapillai from 13.01.1979 to 26.12.1988 and further direct the respondents No.1 to 3 to revise the pensionary benefits by reckoning the service rendered by P.Sangapillai in the prison department, from 13.01.1979 to 26.12.1988 as qualifying service and pay the arrears of the amount as well as consequent monthly pension to the petitioner.

For Petitioner : Mr.A.Rajaram

For Respondent : Mr.P.Mahendran

Additional Government Pleader



ORDER

Admittedly, the husband of the writ petitioner died on 13.09.2004, while he was working in the Police Department. The relief sought for by the petitioner, who is the wife of the deceased employee is that the service rendered by her husband in the Prison Department from 13.01.1979 to 26.12.1988 is to be reckoned as qualifying service for the purpose of monetary benefits.

2.The learned Additional Government Pleader appearing for the respondents brought to the notice of this Court that the employee himself had not raised any claim in this regard and he died in the year 2004 and the present writ petition is filed, after a lapse of nine years from the date of death of the deceased employee.

3.This Court is of the considered opinion that even on merits, the learned Additional Government Pleader made a submission that the period cannot be counted in view of the decision that the deceased employee resigned his job. The employee had resigned his job in the Prison Department. Resignation amounts to forfeiture of past services. Thus, the period cannot be counted.

4.This apart, the writ petition itself is filed, after a lapse of nine years from the date of death of the deceased employee. This being the factum established, the relief as such sought for cannot be granted and the reasons stated in the impugned order is in consonance with the rules in force and therefore, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2021

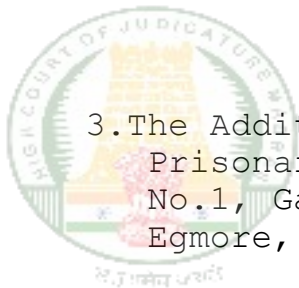
Sub Assistant Registrar(CS)

Ns

To

1.The Government of Tamil Nadu,
Rep by its Secretary to Finance Department,
Fort St. George,
Chennai-600 009.

2.The Director of Pension Department,
No.254, Annasalai, 2nd Floor,
DMS Compound,
Teynampet, Chennai.



3.The Additional Director General of Prison,
Prisonary Department,
No.1, Gandhi Irvin Road,
Egmore, Chennai-8.

4.The Deputy Inspector General of Prison,
Trichy Range,
Trichy-23.

5.The Superintendent of Prison,
Trichy,
Trichy District.

+1 CC to Special Government Pleader SR.No.25764.

+1 CC to M/s A.Rajaram,Advocate,in SR.No.25688.

W.P. (MD) No.15830 of 2015
and
M.P (MD) .No.1 of 2015
15.12.2020

(MK) CO

AP(11/01/2021) 3P 8C