

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2021

CORAM

THE HON'BLE MR.JUSTICE R. SURESH KUMAR

Writ Petition No.38490 of 2004

1.A.N.Anandam
2.A.N.Meenachi
3.A.N.Ramalakshmi
4.S.Kumaraguruparan

... Petitioners

-Vs-

1.The Chief Executive Officer
Tamil Nadu Khadi and Village Industries Board
Kuralagam Building, Chennai 600 113.

2.The Assistant Director
Khadi and Village Industries Board
Tuticorin, currently at 17-B, St.Thomas Mount
Palayamkottai, Tirunelveli District. Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus calling for the records of the 2nd respondent in his proceedings Na.Ka.No.7414/2003/E1 dated 02.09.2004 and quash the same and direct the respondents to pay full salary and allowance for the priod 18.3.1997 to 04.06.1998 and to consequently regularise and revise the pension of late A.N.Natarajan proportionate to his last drawn pay and pay arrears together with interest.

For Petitioner : Mr.V.Vijay Shankar
For Respondents : Mr.S.K.Bose, Standing Counsel

O R D E R

The prayer sought for herein is to call for the records of the 2nd respondent in his proceedings Na.Ka.No.7414/2003/E1 dated 02.09.2004 and quash the same and direct the respondents to pay full salary and allowance for the priod 18.3.1997 to 04.06.1998 and to consequently regularise and revise the pension of late A.N.Natarajan proportionate to his last drawn pay and pay arrears together with interest.

2.The petitioners' father one A.N.Natarajan was working as Assistant in the respondent Department and he retired from service. In this context it seems that, the salary benefits for the period between 18.03.1997 and 04.06.1998 was not given to him. He approached this Court and filed a writ petition, where orders were passed in W.P.No.625 of 2001, wherein it seems that

a direction was given to the respondents to calculate the said period as duty period and accordingly salary benefits payable to the petitioner shall be given to him.

3. Pursuant to the said order the respondents, having calculated the salary payable to the deceased A.N.Natarajan, ie., the father of the first three petitioners herein for the aforementioned period, which according to them comes as Rs.77,829/-, was directed to be disbursed to the petitioners and one another who are the legal heirs of the deceased employee in this aspect, as has been conveyed through the impugned order dated 02.09.2004 of the respondent department.

4. Aggrieved over the said order dated 02.09.2004 on the ground that, the amount calculated by the respondent Department is less compared to the actual amount or due payable by the Department to the petitioners as salary due payable

to their late father for the said period, the petitioners have challenged the impugned order in the present writ petition.

5. Heard the learned counsel for the petitioners, who would submit that, based on the last drawn salary of the deceased employee Natarajan, which will be around Rs.10,000/-, the amount should have been calculated, in which case definitely it will be higher than what has been now calculated ie., Rs.77,829/-. Therefore, the actual calculation has to be made based on the last drawn salary and accordingly higher amount payable to the deceased employee are to be paid to these petitioners, who are the legal heirs of the deceased employee.

6. However, the learned Standing Counsel for the respondent Department, on instructions, would submit that, the last drawn salary of the deceased employee Natarajan was Rs.4800/- and accordingly the amount payable to the deceased employee for the period between 18.03.1997 and 04.06.1998 was calculated at Rs.77,829/- and therefore, the said amount was directed to be disbursed among the legal heirs including the petitioners herein through the impugned communication dated 02.09.2004 and therefore there is every justification on the part of the respondents to pass such order disbursing the amount, which was in fact directed by this Court in the earlier order.

7. I have considered the submissions made by the learned counsel for the petitioners as well as the learned Standing Counsel for the respondent Department and also perused the materials placed on record.

8. Since the last drawn salary itself was Rs.4800/-, as has been submitted by the learned Standing Counsel for the respondents, based on which only the salary due could have been calculated by the respondents for the said period between 1997-98 and therefore accordingly they arrived at an amount of Rs.77,829/-. Therefore, the petitioners cannot dispute the same. Hence, this Court feels that the said order passed by the respondents dated 02.09.2004, which is impugned herein directing the disbursement of Rs.77,829/- to the legal heirs of the deceased employee viz., the petitioners herein, is sustainable. Therefore, the writ petition fails and hence it is dismissed. No costs.

Sd/-

Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

KST

To

- 1.The Chief Executive Officer
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Kuralagam Building, Chennai 600 113.
- 2.The Assistant Director
Khadi and Village Industries Board
Tuticorin, currently at 17-B, St.Thomas Mount
Palayamkottai, Tirunelveli District.

W.P.No.38490 of 2004

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