

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.03.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.6821 of 2021

L. Shanthi

... Petitioner

Vs

1. The State of Tamil Nadu
Rep.by Secretary to Government
Home Department,
Fort St.George,
Chennai 600 009.

2. The Director General of Police
Mylapore,
Chennai 600 004.

3. The Commissioner of Police
Greater Chennai, Vepery
Chennai - 600 007.

4. The Principal Accountant General
(Accounts and Entitlements)
Tamil Nadu
No.261, Anna Salai,
Chennai 600 018.

.... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the 1st respondent to grant relaxation of the Tamil Nadu Pension Rules in my favour and consequently sanction the family pension of my deceased husband Mr.A.Loganathan (HC 2765) with all other monetary benefits and arrears to me.

For Petitioner : Mr.A.K.R.Ravi

For Respondents : Mr.J.Pothiraj
Special Govt.Pleader

O R D E R

This writ petition has been filed, seeking a direction to the 1st respondent to grant relaxation of the Tamil Nadu Pension Rules in petitioner's favour and consequently sanction the family pension of petitioner's deceased husband A.Loganathan (HC 2765) with all other monetary benefits and arrears to her.

2. Mr.J.Pothiraj, learned Special Government Pleader takes notice for R1 to R4. By consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioner is that her husband A.Loganathan who was working as a Head Constable under the third respondent died on 26.05.1993. Since the petitioner's husband family pension was not sanctioned to her from the year 2003 she had sent many representations to all the respondents on various dates. Finally she sent a representations dated 24.02.2015 and 16.12.2020 requesting the first respondent through Registered post with acknowledgment due to pass appropriate orders to the 2nd to 4th respondents to grant her family pension at the earliest on account of her husband's demise. Even after receipt of the said representations dated 24.02.2015 and 16.12.2020 the respondents have not taken any action. It is further stated that till date no action has been taken on the aforesaid representations dated 24.02.2015 and 16.12.2020. Hence, the petitioner has filed the present writ petition.

4. Considering the facts and circumstances of the case and taking into account the fact that the petitioner's representations dated 24.02.2015 and 16.12.2020 is already pending with the 1st respondent and if the representation is not already disposed of earlier, the Writ Petition is disposed of with the following directions:

i) A direction is issued to the 1st respondent herein to consider the representations preferred by the petitioner dated 24.02.2015 and 16.12.2020, if the petitioner is found to be eligible and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioner and other persons, if any, who are likely to be affected, as expeditiously as possible, preferably within a period of 120 days from the date of receipt of a copy of this order;

ii) In case the petitioner is unable to appear for personal hearing, the petitioner is entitled to send a written submission within a period of one month from the date of receipt of a copy of this order through registered post or speed post and the same shall be treated as personal hearing. It is made clear that the

petitioner can avail the opportunity of either personal hearing or filing written submission and not both;

iii) In case the petitioner fails to appear or file a written submission in time, the 1st respondent shall pass orders based on the available records and the petitioner, cannot at a later point of time take a stand that opportunity of being heard is not given to the petitioner;

iv) The petitioner shall furnish Mobile Number, email ID, if any, etc., along with a copy of the representations dated 24.02.2015 and 16.12.2020 and this order, to the 1st respondent forthwith;

v) The 1st respondent are directed to communicate the decision taken on the representation, to the petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the petitioner to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the petitioner, they will have to face the civil imprisonment in case of contempt proceedings. If they are unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of delivery, so that the petitioner, later on, will not take a plea that the petitioner is not aware of the order. No costs.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

dpq

To:

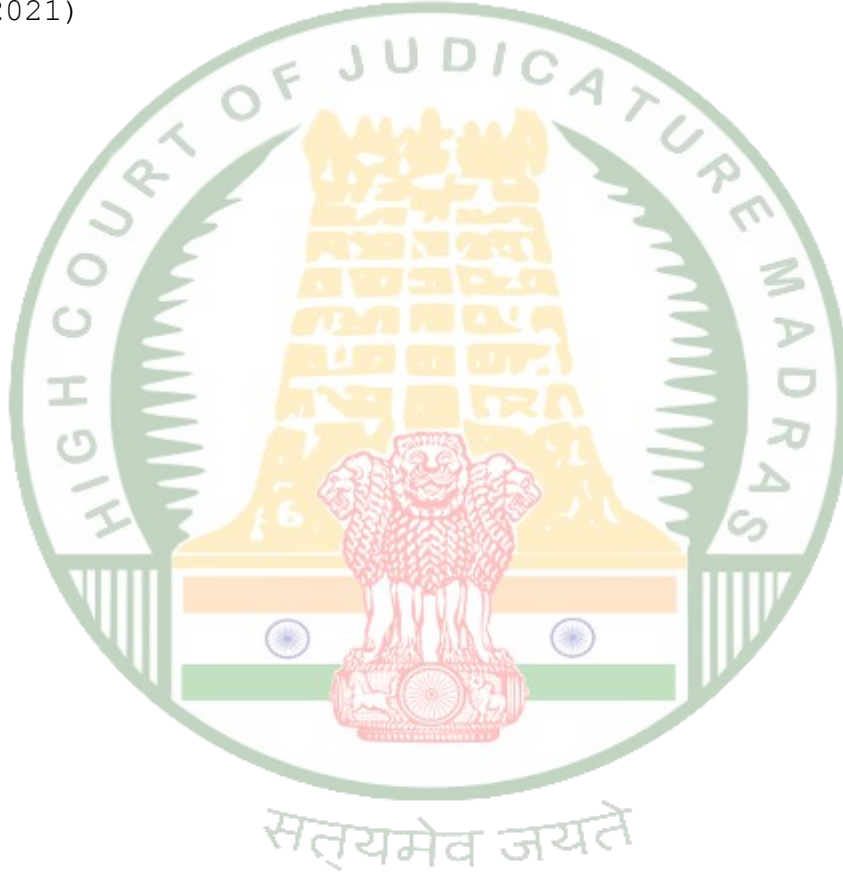
1. The Secretary to Government
Home Department,
Fort St.George,
Chennai 600 009.
2. The Director General of Police
Mylapore,
Chennai 600 004.
3. The Commissioner of Police
Greater Chennai, Vepery
Chennai - 600 007.

4. The Principal Accountant General
(Accounts and Entitlements)
Tamil Nadu
No.261, Anna Salai,
Chennai 600 018.

+1cc to the Government Pleader, S.R.No.17342

W.P.No.6821 of 2021

PCH (CO)
CB (27/04/2021)



WEB COPY