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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.15232 of 2018
and
W.M.P.No.18058 of 2018

N.Renuka

...Petitioner

-Vs-

1. The Director of Pension,
259, Anna Salai,
3rd Block, 2nd Floor,
DMS Office Complex,
Teynampet, Chennai - 600 006.

2. The Superintendent of Police,
Krishnagiri District,
Krishnagiri.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the 2nd respondent in No.C4/7626/2013 dated 25.02.2016 and quash the same and direct the respondents with consequential benefits payable to the petitioner including family pension, etc., with arrears of salary with interest within the time stipulated by this Court.

For Petitioner : Mr.V.Sakkarapani

For Respondents: Mr.P.Ganesan,
Government Advocate

ORDER

With the consent of both the parties, this writ petition is taken up for final disposal,

2. Rule 21 of the Tamil Nadu Pension Rules, 1978 prescribes that when a Government servant is dismissed from service, his past service would be forfeited and therefore, he would not be entitled for pension nor can his legal heirs claim family pension.



3. In the present case, the petitioner's husband was dismissed from services on 20.04.2001, which came to be challenged in a writ petition in W.P.No.3612 of 2007. Pending the writ petition, the petitioner's husband died, owing to which, this Court, in its order dated 16.06.2011, had dismissed the writ petition as infructuous, by observing that nothing survives for adjudication in the writ petition.

4. The claim of the petitioner seeking for family pension has now been rejected by the respondents, on the ground that since her husband had died and he was earlier dismissed from services, she would not be entitled for family pension.

5. I do not find any infirmity in the observation made in the impugned order of rejection of the petitioner's request, in view of Rule 21 of the Tamil Nadu Pension Rules.

6. At this juncture, the learned counsel for the petitioner would submit that when the earlier writ petition in W.P.No.3612 of 2007 was dismissed, they were not instructed by the legal heirs to have their names substituted, which resulted in deprivation of the family pension and in view of this inadvertent mistake, the widow of the late employee should not be made to suffer, particularly when her husband had put in 13 years of service.

7. The submission of the learned counsel for the petitioner is considered on a sympathetic ground and in order to facilitate the petitioner, who is a widow of the late Government employee, liberty is hereby granted to her to file a review petition against the earlier order of this Court, dated 16.06.2011, passed in W.P.No.3612 of 2007, atleast within a period of 30 days from the date of receipt of a copy of this order.

8. With the above liberty, the Writ Petition stands dismissed, since this Court is of the view that there is no infirmity in the impugned order passed by the second respondent. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar



To:

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1. The Director of Pension,
259, Anna Salai,
3rd Block, 2nd Floor,
DMS Office Complex,
Teynampet, Chennai - 600 006.
2. The Superintendent of Police,
Krishnagiri District,
Krishnagiri.

+lcc to Mr.V.Sakkarapani, Advocate, S.R.No.68082
+lcc to the Government Pleader, S.R.No.68725

W.P.No.15232 of 2018
and
W.M.P.No.18058 of 2018

GSM[co]
NSK 22/12/2021