



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.17473 of 2021
(Through Video Conferencing)

M.Kanniyammal

... Petitioner

Vs

1. The Government of Tamil Nadu
Represented by its Principal Secretary/
Additional Chief Secretary,
Rural Development and Panchayat
Raj Department, Fort St.George,
Chennai - 600 009.

2. The Commissioner,
Commissionerate of Rural Development
and Panchayat Raj Department,
Panagal Building, Saidapet,
Chennai - 600 015.

3. The District Collector (RD),
Tiruvannamalai,
Tiruvannamalai District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus, to direct the respondents herein to pay two increments for the training period in the post held by petitioner's husband as on 30.07.1992, continuously upto his date of death and consequently take into account the said increments in the pensionary benefits and in the family pension of the petitioner and pay all monetary benefits and other attendant benefits as paid to others through G.O.Ms.No.85 Rural Development and Panchayat Raj Department dated 11.09.2012 and G.O.Ms.No.62 Rural Development and Panchayat Raj Department dated 27.06.2013 in compliance of the order passed in W.P.No.33981 of 2005 and 39046 of 2005 dated 05.07.2011.

For Petitioner : Mr.K.Raja for
Mr.N.Kolandaivelu

For Respondents : Mr.L.S.M.Hasan Fizal
Government Advocate



ORDER

The petitioner has filed this Writ Petition for Mandamus, to direct the respondents herein to pay two increments for the training period in the post held by the petitioner's husband as on 30.07.1992 continuously up to the date of death of the petitioner's husband and consequently take into account the said increments in the pensionary benefits and in the family pension of the petitioner with all monetary and other benefits.

2. The case of the petitioner is that the petitioner's husband died on 27.03.2006 while he was in service as a Block Development Officer. The Government passed several Government orders during the services of the petitioner's husband and ultimately, G.O.M.S.No.164 Rural Development Department dated 30.07.1992 which was implemented belatedly but it was ignored on 30.12.1997. It is submitted that as per the order of this Court in WP.Nos.33981 and 39046 of 2005 dated 05.07.2011, G.O.Ms.No.85 Rural Development and Panchayat Raj Department dated 11.09.2012 and G.O.Ms.No.62 Rural Development and Panchayat Raj Department dated 27.06.2013 came to be implemented.

3. The learned counsel for the petitioner submits that several Government orders have been passed while the petitioner's husband was in services and under these circumstances, the petitioner has sent a representation to the respondent to pass appropriate order for the purpose of re-quantifying the terminal benefit due to the death of petitioner's husband and consequential re-computation of the family pension payable to the petitioner.

4. The learned counsel for the respondent submits that several representations made by the petitioner are liable to be rejected.

5. Heard the learned counsel for the petitioner and the learned counsel for the respondents. I have perused the orders passed earlier by this Hon'ble Court.

6. In W.P.No.18474 of 2015 dated 26.06.2015, an order came to be passed under a similar circumstances. The said order has been implemented in the case of a retired employee for the family members to receive the family pension. The relevant portion of the aforesaid order is read as under:

"2. Taking into account the narrow prayer sought for in the writ petition, the writ petition is disposed of directing the first respondent to pass appropriate orders on the petitioner's representation dated 20.08.2014, relating to payment of two



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increments for the training period in the post held by the petitioners as on 30.07.1992 upto the date of retirement of the petitioners and also take into account the same for revising the pensionary benefits in the light of the G.O.Ms.No.85 Rural Development and Panchayat Raj Department dated 11.09.2012 and G.O.Ms.62 Rural Development and Panchayat Raj Department dated 27.06.2013 and also the order of this Court in W.P.No.33981 of 2005 and 39046 of 2005 dated 05.07.2011, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order."

7. Considering the above facts and circumstances of the case, the petitioner is also entitled to the very similar relief. In the light of the above said order, the respondents are directed to recompute the terminal benefits and family pension to the petitioner within a period of six weeks from the date of receipt of a copy of this order and report the same to the petitioner.

8. This Writ Petition stands disposed of with the above observations. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

drl

To

- 1.The Principal Secretary/Additional Chief Secretary,
Government of Tamil Nadu,
Rural Development and Panchayat Raj Department,
Fort St.George,
Chennai - 600 009.
- 2.The Commissioner,
Commissionerate of Rural Development
and Panchayat Raj Department,
Panagal Building, Saidapet,
Chennai - 600 015.



3.The District Collector (RD),
Tiruvannamalai,
Tiruvannamalai District.

+1cc to Mr.N.Kolandaivelu, Advocate Sr No.42432

+1cc to the Government Pleader Sr No.42636

W.P.No.17473 of 2021

NMI (CO)

PR (20/09/2021)