

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.2362 of 2014

N.Hemalatha

... Petitioner

Vs.

1. The Under Secretary to Government,
Agriculture (AU) Department,
Secretariat, Chennai - 600 009.
2. The Deputy Secretary to Government,
Agriculture (AU) Department,
Secretariat, Chennai - 600 009.
3. The Joint Secretary to Government,
Agriculture (AU) Department,
Secretariat, Chennai - 600 009.
4. The Comptroller,
Tamil Nadu Agriculture University,
Coimbatore.
5. The Registrar,
Tamilnadu Agriculture University,
Coimbatore.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the fourth respondent to release the family pension since 23.03.2002 and the benefits of the voluntary retirement from 25.03.1996.

For Petitioner : Mr.S.Nagarajan

For Respondents : Mr.S.Thangavel
Special Government Pleader - R1 to R3

Mr.Abdul Salem - R4 & R5

ORDER

This writ petition has been filed to direct the fourth respondent to release the family pension and the benefits of the voluntary retirement of her husband, to the petitioner.

2.The learned counsel for the petitioner submitted that the husband of the petitioner, who was working as a Lab Technician in the Department of Soil Science and Agricultural Chemistry, Tamil Nadu Agricultural University, Coimbatore, died on 23.02.2002 and the petitioner sent representations to the fourth respondent to release family pension and voluntary retirement benefits of her husband. Subsequently, the fifth respondent also sent a letter dated 25.05.2010 to the third respondent admitting that the petitioner is entitled for pensionary benefits. But, the fourth respondent has not considered the representations of the petitioner till date. Therefore, the petitioner sent a representation to the second respondent on 18.04.2011 and the same is pending without any progress. Hence, this writ petition.

3.The learned counsel appearing for the respondents 4 and 5 submitted that the respondent concerned would consider the petitioner's representation if not already disposed of, on merits, within a time frame to be stipulated by this Court.

4.In this writ petition, the petitioner sought a direction to the fourth respondent to release family pension and the benefits of voluntary retirement, which are the valuable rights of her husband and the same cannot be treated as a bounty payable on the sweet will and the pleasure of the respondents. Hence, considering the facts and circumstances of the case and taking note of the submissions made by the learned counsel on either side, this Court directs the fourth respondent to consider the representation of the petitioner dated 18.04.2011, if not already considered, and pass appropriate orders, on merits and in accordance with law and also in the light of the communication dated 25.05.2010 sent by the fifth respondent, within a period of four weeks from the date of receipt of a copy of this order.

5.Accordingly, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vrc

To

1. The Under Secretary to Government,
Agriculture (AU) Department,
Secretariat, Chennai - 600 009.
2. The Deputy Secretary to Government,
Agriculture (AU) Department,
Secretariat, Chennai - 600 009.
3. The Joint Secretary to Government,
Agriculture (AU) Department,
Secretariat, Chennai - 600 009.
4. The Controller,
Tamilnadu Agriculture University,
Coimbatore.
5. The Registrar,
Tamilnadu Agriculture University,
Coimbatore.

+1cc to Mr.S. NAGARAJAN, Advocate, S.R.No.115
+1cc to the Government Pleader, S.R.No.522

MGR (CO)
SM/16/02/2021

W.P.No.2362 of 2014

सत्यमेव जयते

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