



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.2600 of 2021

WEB COPY

P.Pattu

...Petitioner

Vs.

1.The State of Tamil Nadu,
rep. by its Secretary,
Department of Municipal and
Water Supply Department,
Fort St. George, Chennai - 600 009.

2.The Director,
Local Fund Audit Department,
4th Floor, Kuralagam,
Chennai - 600 108.

3.The Assistant Director,
Office of the Director,
Local Fund Audit Department,
4th Floor, Kuralagam,
Chennai - 600 018.

4.The Director of Town Panchayat,
Kuralagam Buildings,
Chennai - 600 108.

5.The Assistant Director,
Local Fund Audit Department,
Tirunelveli,
Tirunelveli District.

6.The Assistant Director,
Town Panchayat, Kokraikulam,
Tirunelveli, Tirunelveli District.

7.The Executive Officer,
Nazreth Special Grade Town Panchayat,
Nazreth, Thoothukudi,
Thoothukudi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents herein to sanction and disburse forthwith the pension benefits due to the petitioner's husband under Old Pension Scheme viz., the General Provident Fund, Gratuity, Family Pension and the petitioner's husband.



For Petitioner : Mr.T.Cibi Chakraborty

For Respondents : Mr.A.Muthu Karuppan for R1 to R6
Additional Government Pleader
Mr.S.Srimathy for R7
Special Government Pleader

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O R D E R

Heard Mr.T.Cibi Chakraborty, learned counsel for the petitioner, Mr.A.Muthu Karuppan, learned Additional Government Pleader, appearing for the respondents 1 to 6 and Mrs.S.Srimathy, learned Special Government Pleader, appearing for the 7th respondent.

2.The petitioner herein is the widow of the deceased employee, who claims pension benefits of her late husband under old pension scheme. The petitioner's husband's service was regularized on 23.06.2006.

3.The entitlement for pension in cases of employees, whose services were regularized after 01.04.2003 came up for consideration before the Honourable Full Bench of this Court in a batch of cases in Government of Tamil Nadu Vs. R.Kaliyamoorthy etc., and it was held that in cases where the Government employee had rendered service in a non provincialised service, or on consolidated pay or on honorarium or daily wage basis and such services were regularized before 01.04.2003, half of such services shall be counted for the purpose of conferment of pensionary benefits. Since the petitioner's husband's services were admittedly regularized after 01.04.2003, she may not be entitled to seek for pensionary benefits. In view of the decision rendered by the Hon'ble Full Bench of this Court cited supra, the petitioner's request cannot be considered.

4.Accordingly, this writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

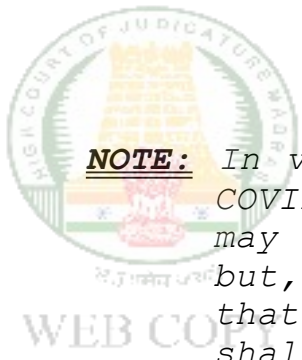
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Sub Assistant Registrar(CS)

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NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Secretary, State of Tamil Nadu,
Department of Municipal and Water Supply Department,
Fort St. George, Chennai - 600 009.
 - 2.The Director, Local Fund Audit Department,
4th Floor, Kuralagam, Chennai - 600 108.
 - 3.The Assistant Director, Local Fund Audit Department,
4th Floor, Kuralagam, Chennai - 600 018.
 - 4.The Director of Town Panchayat, Kuralagam Buildings,
Chennai - 600 108.
 - 5.The Assistant Director, Local Fund Audit Department,
Tirunelveli, Tirunelveli District.
 - 6.The Assistant Director, Town Panchayat, Kokraikulam,
Tirunelveli, Tirunelveli District.
 - 7.The Executive Officer, Nazreth Special Grade Town Panchayat,
Nazreth, Thoothukudi, Thoothukudi District.
- +1 CC to Mr.T.CIBI CHAKRABORTHY, Advocate (SR-5052[F] dated 15/02/2021)
- +1 CC to SGP (SR-5131,5074[F] dated 15/02/2021)

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KM (01.03.2021) 3P 10C