



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.07.2021

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THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A. (MD)No.1477 of 2021

and

C.M.P (MD) .No.6077 of 2021

1. The Director of Medical and Rural
Health Services,
Chennai - 600 006.
2. The Joint Director of Health Services,
Ramanathapuram District,
Ramanathapuram.
3. The Hospital Superintendent,
Government Head Quarters Hospital,
Ramanathapuram.

... Appellants/Respondents

Vs.

M.Hariharakrishnan

... Respondent/Petitioner

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, against the order of this Court made in W.P.(MD) No.19205 of 2019, dated 15.11.2019.

Prayer in WP(MD). 19205/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To call for the records connected with the impugned order passed by the 3rd respondent in Na.Ka.No.35/Ni-2/2019, dated 23.05.2019, and quash the same and consequently direct the respondents to sanction the family benefit fund of Rs.3,00,000/- due to the death of the petitioners wife namely Sudha, in terms of G.O.Ms.No.57 Finance Department, 22.02.2016.

For Appellants	: Mr.A.K.Manikkam
	Standing Counsel for Government
For Respondent	: Mr.S.Govindan

J U D G M E N T

[Judgment of the Court was delivered by **T.S.SIVAGNANAM,J.**]

We have heard Mr.A.K.Manikkam, learned Government Counsel appearing for the appellants and Mr.S.Govindan, learned counsel

<https://hcc.judges.courts.gov.in/cases/>



appearing for the respondent.

2. This writ appeal has been filed by the Director of Medical and Rural Health Service and two others, questioning the correctness of the order dated 15.11.2019 in W.P(MD)No.19205 of 2019. The said writ petition was filed by the respondent herein to quash the order passed by the third appellant dated 23.05.2019 and to sanction the family benefit fund of Rupees Three Lakhs, due to the demise of the respondent's wife, by taking note of G.O.Ms.No.57, Finance Department, dated 22.02.2016.

3. The learned Single Bench after taking into consideration the said Government order in G.O.Ms.No.57, allowed the writ petition. Before us, the appellants are not able to establish that G.O.Ms.No.57 is not applicable to the case of the respondent's wife. However, the objection appears to be that under the scheme, the employee also has to make a contribution which was initially Rs.30 per month and subsequently, it has been increased to Rs.60 per month and the payment being a sum of Rupees Three Lakhs, which came into effect from 01.02.2016. Therefore, for the respondent to be entitled to the family pension scheme amount, contribution of the employee is required to be deducted. Without deducting the same, the Writ Court could not have directed the payment of Rupees Three Lakhs under the Family Benefit Fund Scheme.

4. Therefore, we allow the writ appeal in part and modify the order and direction issued in the writ petition by directing the appellants to deduct the employee's contribution calculated at the rate of Rs.60 per month and after deducting the same, the balance amount shall be paid to the respondent.

5. This direction be complied with within a period of two months from the date of receipt of a copy of this order. **Writ Appeal stands Partly Allowed** with the above observations. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

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.



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