



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2021

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P (MD)No.15001 of 2021

R.Jain Manorathi

... Petitioner

Vs.

1.The Principal Accountant General A& E Tamilnadu,
361, Anna Salai,
Chennai-600 018.

2.The Tahsildar,
Revenue Taluk Office,
Ambasamudram Taluk,
Tirunelveli District-627 401.

3.The Assistant Treasury Officer,
Sub Treasury,
Cheranmahadevi Taluk,
Tirunelveli District-627 414

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the second respondent to submit the revised family pension proposal to the first respondent on the basis of the 6th and 7th Pay Commission entitlement and including the arrears from 18.10.2007 and the current payment from the next day of the petitioner's husband's death on 17.10.2007 for which the petitioner is entitled and after receiving such a proposal to direct the first respondent to sanction and pay the revised family pension to the petitioner through the third respondent.

For Petitioner : Mr.P.Senthur Pandian

For Respondents : Mr.P.Gunasekaran,
Standing counsel for R1

Mr.A.K.Manickam, for RR2 & 3



ORDER

This Writ Petition has been filed seeking for issuance of a Writ Mandamus directing the second respondent to submit the revised family pension proposal to the first respondent on the basis of the 6th and 7th Pay Commission entitlement and including the arrears from 18.10.2007 and the current payment from the next day of the petitioner's husband's death on 17.10.2007 for which the petitioner is entitled and after receiving such a proposal to direct the first respondent to sanction and pay the revised family pension to the petitioner through the third respondent.

2. Heard the learned counsel appearing for the petitioner and the learned appearing for the respondents.

3. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4. According to the petitioner, her husband was working as Special Grade Godown Watchman under the control of the second respondent and expired on 17.10.2007 while in service. According to the petitioner, she is entitled for upward revision for family pension as per G.O.Ms.No.234, Finance(Pay Cell) Department dated 01.06.2009 and G.O.Ms.No.303, Finance (Pay Cell) Department dated 11.10.2017. In this regard, the petitioner made representations on 28.02.2019 & 08.02.2020 alongwith necessary documents to the second respondent requesting him to prepare and send the upward revising family pension proposal to the first respondent. The second respondent has not forwarded the said proposal to the first respondent and the same is still pending with him. The second respondent has neither chosen to forward the aforesaid applications to the first respondent nor has not given any reasons for non-consideration of the aforesaid applications. Hence, the present writ petition has been filed by the petitioner before this Court.

5. Considering the submissions made by the learned counsel on either side and also the limited scope of prayer as sought by the petitioner, without expressing any opinion on merits, the second respondent is directed to consider the application/representation of the petitioner dated 08.02.2020 and forward the same to the first respondent if she is otherwise eligible for upward revision for family pension within a period of six weeks from the date of receipt of a copy of this order and the first respondent is directed to consider the same and pass appropriate orders on merits and in accordance with law within a period of eight weeks thereafter and the decision taken shall be communicated to the petitioner.



6. With the above direction, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS-II)

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/ /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.

To

1.The Principal Accountant General A & E Tamilnadu,
361, Anna Salai,
Chennai-600 018.

2.The Tahsildar,
Revenue Taluk Office,
Ambasamudram Taluk,
Tirunelveli District-627 401.

3.The Assistant Treasury Officer,
Sub Treasury,
Cheranmahadevi Taluk,
Tirunelveli District-627 414

+1 CC to M/s.P.SENTHUR PANDIAN, Advocate (SR-27255[F] dated 25/08/2021)

+1 CC to M/s.GP (SR-27367[F] dated 26/08/2021)

**W.P (MD) No.15001 of 2021
24.08.2021**

es (CO)

TR(02.09.2021) 3P 6C