



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD)No.16529 of 2021

M.Kaliyammal ... Petitioner
vs.

1.The Commissioner,
Hindu Religious and Charitable Endowment,
Nungambakkam,
Chennai.34

2.The Joint Commissioner/Executive Officer,
Arulmigu Sankaranarayanawamy Thirukoil,
Sankarankovil,
Thenkasi District. ... Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to pay the Departmental pension to the petitioner by considering her representation dated 30.07.2021 within a stipulated time to be fixed by this Court.

For Petitioner : Mr.M.Thirunavukkarasu
For 1st Respondent : Mr.S.Shanmugavel
Standing Counsel for State
For 2nd Respondent : Mr.V.R.Shanmuganathan
Standing Counsel

O R D E R

This petition has been filed seeking for issuance of a Writ of Mandamus, directing the respondents to pay the Departmental pension to the petitioner by considering her representation dated 30.07.2021 within a stipulated time to be fixed by this Court.

2. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel 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, the petitioner's husband was temporarily appointed as Night Watchman in the Muppudathi Amman



Thirukovil, Sankarankovil on 03.11.1986 and thereafter, his services were regularized. According to the petitioner, after serving for a long period of 27 years, her husband retired from service on 30.06.2013 on attaining the age of superannuation and he was receiving the monthly pension of Rs.1000/- under the Departmental Pension Scheme. Thereafter, vide G.O.Ms.No.253 dated 07.10.2016, he was receiving a sum of Rs.2000/- as Departmental pension and subsequently, the Departmental pension was revised to Rs.3000/- based on G.O.Ms.No.96 dated 13.07.2020. Further, the petitioner's husband died on 02.01.2021 leaving behind the petitioner and his 3 daughters as his legal heirs. The petitioner submitted an application dated 30.07.2021, to the second respondent alongwith necessary documents requesting him to pay the Departmental pension to her as she being the legal heir of her husband. However, the said representation is still pending and no orders were passed till date. Therefore, the present Writ petition has been filed before this Court.

5.The learned Standing Counsel appearing for the respondents would submit that petitioner's representation would be considered and appropriate orders will be passed in accordance with law.

6.Considering the submissions made by the learned counsel on either side and considering the limited prayer as sought by the petitioner, this Court, without expressing any opinion on merits, directs the second respondent to consider the petitioner's representation dated 30.07.2021 on merits and in accordance with law within a period of twelve(12) weeks from the date of receipt of a copy of this order.

7.With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

1.The Commissioner,
Hindu Religious and Charitable Endowment,
Nungambakkam,
Chennai.34

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Joint Commissioner/Executive Officer,
Arulmigu Sankaranarayanawamy Thirukoil,
Sankarankovil,
Thenkasi District.

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+1 CC to M/s.M.THIRUNAVUKARASU, Advocate (SR-29077[F]
dated 15/09/2021)

+1 CC to M/s.SPL. GP (SR-29323[F] dated 16/09/2021)

Order made in
W.P. (MD) No.16529 of 2021
15.09.2021

GC (24.09.2021) 3P 5C