



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P. (MD)No.10689 of 2016

WEB COPY

E.Elangovan

... Petitioner

versus

1. The Commissionerate of Municipal
Administration,
Ezhilagam, 6th Floor, Chepauk,
Chennai.

2. The Government Secretary,
Municipal Administration and
Water Supply Department,
Secretariate,
Chennai - 600 009.

3. The Government Deputy Secretary,
Finance (Pension) Department,
Secretariate,
Chennai - 600 009.

4. The Commissioner,
Kumbakonam Municipality,
Kumbakonam,
Thanjavur District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, to direct the respondent No.1 to make necessary recommendation to 2nd respondent for its concurrence for the sanction and payment of the service retirement benefits and pension of the petitioner's father late Erusappan and family pension amount payable to the petitioner's mother consequentially directing the 3rd respondent to pay pension payable to the petitioner's mother and to 4th respondent to pay service retirement benefits of the petitioner's father Mr.Erusappan by considering the petitioner's representation dated 06.05.2016 within the period as stipulated by this Court.

For Petitioner :	Mr.A.Haja Mohideen
For Respondents:	Mr.K.P.Narayanakumar, Special Government Pleader for R1 to R3 Mr.M.Rajarajan for R4

**ORDER**

The petitioner's father late Mr.K.Erusappan was working as Revenue Assistant in the 1st respondent office from 01.11.1963 to 22.11.1976 and due to his health condition, he was not able to perform his duty in the 4th respondent's office and he was forced to absent continuously from his duty. In the mean time, he attained superannuation. According to the petitioner, while his father was alive, he applied for service benefits. The second respondent, by its letter dated 15.05.2000, stated that they are taking necessary steps to give retirement benefits. Despite his repeated demands, no benefits were given to his father. Due to his health problem, the petitioner's father died on 18.11.2003 without getting any service benefits, leaving behind the petitioner, his mother, sisters and brother as legal heirs. Thereafter, the petitioner's mother approached the 4th respondent. The 4th respondent, vide its letter dated 11.02.2010, addressed to the 1st respondent, recommending to grant service benefits to the petitioner's family as they are eligible to get family pension for the period from 18.11.2003. Despite the same, the first respondent refused to give the service benefits. Thereafter, the respondents by its letter dated 03.02.2011, stated that action was being taken to give family pension as per the advice of Director of Local Administration (Audit). As there was no action, the petitioner made a representation dated 06.05.2016 to the respondents. Even then, no order is passed till date. Hence, the present writ petition has been filed.

2. The learned counsel appearing for the petitioner submitted that it would suffice, if the respondents are directed to consider the petitioner's representation dated 06.05.2016.

3. The learned Special Government Pleader appearing for the respondents 1 to 3 has no serious objection for the same.

4. Considering the limited prayer sought now, this Court, without going into the merits of the case, directs the respondents to consider the petitioner's representation dated 06.05.2016 and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



1. The Commissionerate of Municipal
Administration,
Ezhilagam, 6th Floor, Chepauk,
Chennai.

2. The Government Secretary,
Municipal Administration and
Water Supply Department,
Secretariate,
Chennai - 600 009.

3. The Government Deputy Secretary,
Finance (Pension) Department,
Secretariate,
Chennai - 600 009.

4. The Commissioner,
Kumbakonam Municipality,
Kumbakonam,
Thanjavur District.

+1 CC to M/s.SPL GP (SR-15025 & 15341[F] dated 01/04/2021)

W.P. (MD) No.10689 of 2016
31.03.2021

—
SVN(CO)
TR(18.06.2021) 3P 6C