



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:09.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. (MD)No.2103 of 2017

Petchiammal

... Petitioner

Vs.

1.The Principal Secretary to Government
of Tamil Nadu,
Department of Revenue,
Secretariat,
Chennai.

2.The District Collector,
Madurai.

3.The Revenue Divisional Officer,
Usilampatti,
Madurai District.

4.The Tahsildar,
Thirumalgalam Post and Taluk,
Madurai District.

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to provide family pension to the petitioner for 40 years of service rendered by her husband Adaikkan as Village Assistant at once.

For Petitioner : Mr.P.Ganapathi Subramanian

For Respondents : Mr.M.Muthugeethayan
Special Government Pleader

O R D E R

This writ petition has been filed for a direction to the respondents to provide family pension to the petitioner for 40 years of service rendered by her husband Adaikkan as Village Assistant.

2. The case of the petitioner is that her husband Adaikkan was employed as Village Assistant from 1965 to 1970 and thereafter, his service was regularised in the year 1970. He retired from service on 30.06.1999, on attaining the age of superannuation. Since he has rendered more than 40 years of service, he is entitled for pension. Hence, he made a representation to the respondents seeking pension. However, the said representation was rejected by the fourth respondent in the year 2007. While so, the petitioner's husband died on 16.06.2010. Hence, the petitioner has made a representation to the second respondent, on 19.12.2016, seeking family pension to the petitioner. However, till date no order was passed. Therefore, the petitioner has filed the present writ petition with the aforesaid



prayer.

3. The learned counsel appearing for the petitioner would submit that this Court may issue a direction to the second respondent to consider the petitioner's representation dated 19.12.2016, within a specified period as fixed by this Court.

4. The facts in the present case are not in dispute. The petitioner claimed that her husband worked as Village Assistant from 1965 to 1970 temporarily and his service was regularised in the year 1970 and retired from service on 30.06.1999. Hence, he made a representation to the respondents seeking pension. However, the said representation was rejected by the fourth respondent, on 09.04.2007. Without challenging the said order of rejection passed in the year 2007, after lapse of 10 years, the petitioner has filed the present writ petition for sanctioning of family pension to her, for the service rendered by her husband as Village Assistant. Hence, the prayer sought for by the petitioner cannot be granted at this distant point of time. Accordingly, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

akv

To

1.The Principal Secretary,
Government of Tamil Nadu,
Department of Revenue,
Secretariat,
Chennai.

2.The District Collector,
Madurai.

3.The Revenue Divisional Officer,
Usilampatti,
Madurai District.

4.The Tahsildar,
Thirumalgalam Post and Taluk, Madurai District.

+1 CC to M/s.SPL GP (SR-10183[F] dated 10/03/2021)

W.P. (MD)No.2103 of 2017

09.03.2021

—
KK(21.06.2021) 2P 6C

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