



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:10.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.22185 of 2017

V.Muthucharam

... Petitioner

Vs.

1.Government of Tamil Nadu

Represented by
Principal Secretary to Government,
Forest & Environment Department,
Fort St.George,
Chennai.

2.Principal Chief Conservator of Forest,
Panagal Building,
Saidapet,
Chennai.

3.Divisional Forest Officer,
Madurai Division,
Chinnachokkikulam,
Madurai.

4.District Forest Officer,
Madurai Division,
Chinnachokkikulam,
Madurai.

5.Principal Accountant General,
Office of the Accountant General,
Teynampet, Chennai.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to sanction and disburse the family pension and death benefits due to the petitioner on account of the death of the petitioner's husband R.Virumandi, on 25.09.2010, who was employed as a plot watcher in the forest department.

For Petitioner: Mr.S.Anand Chandrasekar

For R1 to R4 : Mr.M.Muthugeethayan
Special Government Pleader

For R5 : Mr.P.Gunasekaran



O R D E R

This Writ Petition is filed for direction to the respondents to sanction and disburse the family pension and death benefits due to the petitioner, on account of the death of the petitioner's husband viz., R.Virumandi, on 25.09.2010, who was employed as a plot watcher in the forest department.

2.The case of the petitioner is that the petitioner's husband joined as Plot Watcher in the Forest Department, on 01.08.1984 and his service was regularized on 07.08.2009. Thereafter, the petitioner's husband died in the year 2010. However, retirement benefits were not settled to the petitioner. Hence, the petitioner has made a representation on 13.06.2017. So far no action has been taken. Hence, the present writ petition is filed.

3.The learned counsel appearing for the petitioner submitted that though the petitioner's husband entered into service in the year 1984 and thereafter, his service was regularized in the year 2009 and died on 25.09.2010, the petitioner is not entitled for family pension as per the Full Bench judgment of this Court. However, the petitioner is only entitled for terminal benefits. Accordingly, he prays that this Court may issue appropriate direction to the respondents to settle the terminal benefits.

4.The learned counsel appearing for the fourth respondent submitted that as per G.O.Ms.No259, Finance (Pension) Department, dated 06.08.2003, the persons, who are appointed after 01.04.2003, shall not be governed by Tamil Nadu Pension Rules 1978 and hence, the petitioner is not entitled for family pension. However, the other eligible benefits were already settled to the petitioner. Hence, he prays for dismissal of the present Writ Petition.

5.Heard the learned counsel for the petitioner, the learned Special Government Pleader appearing for the respondents 1 to 4 and the counsel for the fifth respondent.

6.The facts in the present case are not in dispute. Admittedly, the petitioner's husband was initially appointed as Social Forestry Worker on daily wage basis from 01.08.1984 to 06.08.2009 and subsequently, her husband was appointed as Supernumerary Plot Watcher Post on 07.08.2009 and he died in the year 2010. When the petitioner's husband is not rendering any qualifying service, he is not entitled for pension. With regard to the other benefits, the fourth respondent in his counter affidavit, in paragraph No.9, specifically stated that all other eligible benefits were already settled to the petitioner. Hence, nothing survives for adjudication.



7.In view of the above, this Writ Petition is dismissed. No costs. However, liberty is granted to the petitioner to work out her remedy, in the manner known to law, if any amount is due.

Sd/-

Assistant Registrar(CS-II)

// 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.

To

1. The Principal Secretary to Government,
Government of Tamil Nadu
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Chinnachokkikulam,
Madurai.
- 4.District Forest Officer,
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Chinnachokkikulam,
Madurai.

+1cc M/s.Sarvabhauman Associates Sr.No.10226
+1cc to Special Government Pleader Sr.No.10583

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NR(26.03.2021) 3P:7C