



W.P.No.1409 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2022

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.1409 of 2015

V.Gandhimathi

...Petitioner

-Vs-

1.The Principal Secretary to Government,
Rural Development and
Panchayat Department,
Fort St. George, Chennai - 600 009.

2.The Principal Accountant General
(Accounts & Entitlements), Tamil Nadu,
Chennai - 600 018.

3.The Director of Rural Development
and Panchayats,
Panagal Buildings,
Chennai - 600 015.

4.The Collector,
Kancheepuram,
Kancheepuram District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified Mandamus to call for the records



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relating to the impugned order of the second respondent in Pen 34/1/13402405/13-14 dated 18.12.2013, quash the same and direct the respondents to count the service rendered by the petitioner's husband Mr.C.Venkatesan in the post of Panchayat Clerk/Panchayat Assistant from 09.05.1984 to 02.06.2005 along with the service rendered by him in the post of Junior Assistant and RWO-I from 03.06.2005 to 28.09.2012 and grant her family pension and other retirement benefits.

For Petitioner : Mr.P.Manoj Kumar
For R1, R3 & R4 : Mr.L.S.M.Hazan Fizal
Addl. Government Pleader
For R2 : Mrs.Hema Muralikrishnan

ORDER

The order of rejection, rejecting the claim of the petitioner for grant of family pension under the Old Pension Scheme (Tamil Nadu Pension Rules, 1978), is under challenge in the present writ petition.

2. The petitioner states that her husband late C.Venkatesan died on 28.09.2012 while in service as Rural Welfare Officer-I. Consequent to the death of her husband, the petitioner submitted an application for grant of family pension. The respondents rejected the application on the ground that



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the petitioner is not eligible under the provisions of the Tamil Nadu Pension Rules, 1978. The reason stated for rejection is that the service of the deceased employee was regularized, after the cut-off date, i.e. 01.04.2003 and therefore, the family pension cannot be granted.

3. The said position has been stated in paragraph 11 of the counter affidavit filed by the respondent, which reads as follows:-

"The service rendered by the Petitioner's husband Late C.Venkatesan from 09.05.1984 to 31.12.1990 was purely part time and the consolidated remuneration was paid by the local body which comes under non provincialized establishment and which did not involve full time employment and the subsequent service rendered by the Petitioner's husband Late C.Venkatesan w.e.f. 01.01.1991 to 02.06.2005 was under non pensionable establishment had no standardized time scale of pay. The claims of the petitioner to count the 50% of the service from 09.05.1984 to 02.06.2005 could not be taken into account for calculation of pension and subsequently the petitioner's husband Late C.Venkatesan in the post of Junior Assistant in the regular time scale i.e. from 03.06.2005 to 28.09.2012 is less than 10 years which is



not eligible for sanction of pension as per Tamilnadu Pension Rules, 1978 and therefore the family pension and pensionary benefit cannot be granted to the petitioner."

4. In view of the fact that the husband of the petitioner was initially appointed as a part time employee and his services were regularized after 01.04.2003, the petitioner is not eligible for family pension under the provisions of Tamil Nadu Pension Rules, 1978.

5. Thus, there is no infirmity as such in the reasons stated in the impugned order. Accordingly, the Writ Petition stands dismissed. No costs.

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Index:Yes

Internet:Yes

Speaking order/Non-speaking order

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WEB COPY To

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(Accounts & Entitlements), Tamil Nadu,
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- 3.The Director of Rural Development
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S.M.SUBRAMANIAM, J.

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