



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2022

CORAM :

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Writ Petition No.24786 of 2010
and
M.P.No.1 of 2010

1. P.Muthammal (Died)
W/o Late Nanjan
2. N.Nanjundan
3. N.Ganesan
4. N.Palaniammal
(Petitioners 2 to 4 substituted as
Legal Representatives in the place
of the deceased petitioner as per
order dated 19.03.2014 in M.P.No.
1 of 2011 in W.P.No.24786/2010)

...Petitioners

-Vs-

1. The Accountant General (A&E)
No.261, Anna Salai
Chennai 600 018.
2. The District Forest Officer
Dharmapuri Forest Range
Dharmapuri-636 805.

...Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records relating to the proceedings made in Na.Ka.No.6866/2008/Pa.2 dated 31.07.2009 in confirming the order dated 27.05.2002 made in Na.Ka.No.9742/99/Pa.2 passed by the 2nd respondent and quash the same and consequently direct the respondents to sanction family pension to the petitioner with retrospective effect with all accumulated arrears.

For Petitioners:Mr.G.Ethirajulu

For Respondents:Mr.V.Vijayakumar - for R1
Mrs.E.Renganayaki
Additional Government Pleader-for R2



O R D E R

This writ petition is filed challenging the orders dated 31.07.2009 and 27.05.2002 thereby denying the benefit of family pension originally to the deceased first petitioner and the other benefits arising to the children, who are brought on record as petitioners 2 to 4 in the writ petition.

2. According to the learned counsel appearing for the second respondent, admittedly the services of the Late Nanjan was contractual in nature and was never regularized. Therefore, the deceased first petitioner is not entitled to the regular pension or the other benefits admissible as in the case of the regular employees. As a matter of fact, even in respect of the services which are not regularized, the Government was pleased to pass orders in G.O.Ms.No.118 dated 14.02.1996, but however, that Government Order is expressly made applicable in respect of those employees who retired after the date of the G.O. Unfortunately in this case, the Late Nanjan had retired before the date of the G.O. Therefore, when a beneficial scheme fixed a particular cut off date, the same cannot be challenged in the present writ petition.

3.I have heard the rival submissions made on behalf of both sides and have perused the materials placed on record.

4.As stated by the petitioner, only the exgratia pension amount alone was paid to the deceased first petitioner and no regular pension was paid because the same not applicable as per the Rules for the employees of contractual service. Admittedly, the Government Order dated 14.02.1996 is not applicable in case of the petitioners and no exception can be taken for the action of the Government in fixing the cut off date for implementation of a beneficial provision and therefore, this writ petition is without any merits and it is dismissed. No costs. Consequently M.P.No.1 of 2010 is also dismissed.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

KST
To

1.The Accountant General (A&E)
No.261, Anna Salai
Chennai 600 018.



2. The District Forest Officer
Dharmapuri Forest Range
Dharmapuri-636 805.

WEB COPY

+1cc to Mr.V.Vijay Shankar, Advocate, S.R.No.25405

+1cc to Mr.G.Ethirajulu, Advocate, S.R.No.24997

+1cc to the Government Pleader, S.R.No.25484

W.P.No.24786 of 2010

MT (CO)

RGA (21/04/2022) (25/04/2022)