



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2022

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.11231 OF 2020

Sengodammal

...Petitioner

Vs.

1.The Secretary to Government
Revenue Department
Fort.St.George,
Chennai 600 005.

2.The Commissioner,
Revenue Administration,
Chepauk, Chennai - 600 005.

3.The District Collector,
Salem, Salem District.

4.The Revenue Divisional Officer,
R.D.O. Office,
Sankagiri Taluk, Salem District.

5.The Tahsildar
Taluk Office, Sankagiri Taluk,
Salem District.

...Respondents

PRAYER : This Writ Petition has been filed under Article 226 of the Constitution of India, to issue writ of Mandamus, directing the respondents to pay the entire terminal benefits viz., monthly family pension, pension arrears, DGRG, and leave salary etc., payable to the petitioner by considering her representation dated 19.08.2019.

For Petitioner : Mr.M.Elango

For Respondents : Mrs.S.Anitha
Special Government Pleader

O R D E R

This Writ Petition has been filed to direct the respondents to pay the entire terminal benefits viz., monthly family



pension, pension arrears, DcRG, and leave salary etc., payable to the petitioner by considering her representation, dated 19.08.2019.

2. Brief facts of the case:

The petitioner's husband viz., Karupan had appointed as permanent Village Assistant at Kantarkula manickam Village of Sankari Taluk by the fourth respondent vide proceedings in Na.Ka.No.15986/84(A1) dated 07.11.1984 and he was working continuously for the period of 22 years. On the verge of his retirement, he had a chronic health condition and therefore, he availed a medical leave. Thereafter, on reaching the age of superannuation the said Karupan has retired from service on 01.01.2011 and one year after retirement, he died on 01.01.2012. After the retirement, the respondents did not come forward to settle the retirement benefits of the said Karupan to the petitioner. Since the petitioner is entitled to receive the family pension and other benefits after the death of her husband, she gave a representation to the respondents 3 to 5 seeking to pay the entire terminal benefits and thereafter, the fourth respondent in his proceeding in Oo.Mu.2382/2019(A) dated 05.03.2020 had written a letter to the fifth respondent directing him to send a proposal for disbursing the terminal benefits of her husband if not already paid. But the fifth respondent had not submitted the same so far. Hence, the writ petition.

3. The learned counsel for the petitioner would submit that the husband of the petitioner was suspended from his service and subsequently, his service was regularized and also retired from the service after reaching the age of superannuation and subsequently died. Thereafter, the respondents have paid a sum of Rs.1,51,351/- but the remaining amount has not been settled to the petitioner, though she is entitled for the family pension as per the rules. Therefore, he would submit that this Court may pass appropriate direction to settle the arrears amount to be payable to the petitioner by the respondents as per the rules.

4. The Special Government Pleader, appearing for the respondents would submit that after receiving the death certificate of the husband of the petitioner, a sum of Rs.1,51,351/- was paid to the petitioner. Further, he would submit that the respondents will take necessary action to pay the balance arrears and other benefits and then they will submit family pension proposal in respect of the petitioner to the Accountant General (A & E) Chennai for the settlement of the pension benefits.

5. Heard the learned counsel on either side and perused the materials placed on record.



6. Taking note of the aforesaid fact that the respondents have not settled the remaining balance of arrears amount to the petitioner, this Court directs the petitioner to make a fresh representation to the fourth respondent, for claiming the terminal benefits of the deceased employee within a period of two weeks from the date of receipt of a copy of this order and on such representation received, the fourth respondent shall consider the same and pass appropriate orders for granting the terminal benefits available by the deceased husband to the petitioner, on merits in accordance with law as early as possible within reasonable time. Further, if there is any delay in considering the petitioner's representation, the respondent is liable to pay the interest at the rate of 9% per annum.

7. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar (CS-VIII)

// True Copy //

Sub Assistant Registrar

Dua

To

1. The Secretary to Government
Revenue Department
Fort. St. George, Chennai 600 005.

2. The Commissioner,
Revenue Administration,
Chepauk, Chennai 600 005.

3. The District Collector,
Salem, Salem District.

4. The Revenue Divisional Officer,
R.D.O. Office, Sankari Taluk,
Salem District.

5. The Tahsildar, Taluk Office,
Sankagiri Taluk, Salem District.

+1cc to M/s. M. Elango, Advocate, Sr.No. 19296

W.P.No. 11231 of 2020

SKM(CO)
RVM(05/04/2022)