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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2022

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.11233 of 2020

Krishnammal

...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 cum
Sub-Collector,
Mettur,
Salem District.

5.The Tahsildar
Taluk Office,
Mettur 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, DCRG, and leave salary etc., payable to the petitioner by considering her representation dated 08.07.2020.

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 08.07.2020.

2. Brief facts of the case:

Initially, the petitioner's husband viz., Rathinasamy had appointed as Village Assistant by the fifth respondent at Pallippatti Village of Mettur Taluk and thereafter transferred to Malligundam at Mettur Taluk. Due to chronic illness, said Rathinasamy died intestate on 14.09.2007. Therefore, the son of the deceased viz., R.Bakayaraj, made an application for appointment on compassionate grounds and the third respondent had appointed him as Village Administrative Officer on compassionate ground. The respondents did not come forward to settle the retirement benefits of the deceased. Hence, the petitioner gave a representation to the respondents 3 to 5 on 08.07.2020 seeking to pay the entire terminal benefits and the same is pending. Hence, the writ petition.

3. The learned counsel appearing for the petitioner would submit that the husband of the petitioner viz., Rathinasamy had appointed as Village Assistant and he died intestate due to chronic illness on 14.09.2007. Therefore, the son of the deceased viz., R.Bakayaraj, made an application for appointment on compassionate grounds and the third respondent had appointed him as Village Administrative Officer on compassionate ground. After the death of the husband of the petitioner, the petitioner has received only part of the terminal benefits available for the deceased but the respondents have not settled the balance arrears of the terminal benefits to the petitioner. Therefore, he would submit that this Court may pass appropriate direction to settle the remaining arrears amount to be payable to the petitioner by the respondents as per the rules.

4. The learned Special Government Pleader appearing for the respondents would submit that the husband of the petitioner was placed under suspension in Tahsildar Mettur vide proceedings in Proc.Roc.3025/2000/A2, dated 08.04.2000 and Proc.Roc.5502/2003/A2, dated 02.02.2005, for the unauthorized absents from the duty and hence, the disciplinary proceeding was initiated against him. He would submit that the respondents will take action to regularize the suspension period of the deceased as duty and for abatement of the disciplinary proceedings pending against him. After completion of the sanction of increment and fixation of pay, a pension proposal will be submitted to the Accountant General, Chennai.



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 respondents are 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. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-VIII)

// True Copy //

Sub Assistant Registrar

Dua

To

1. The Secretary to Government
Revenue Department
Foer. St. George,
Chennai 600 005.
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5.The Tahsildar
Taluk Office,
Mettur Taluk,
Salem District.

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+1cc to Mr.M.Elango, Advocate, Sr.No.19295

+1cc to the Special Government Pleader, Sr.No.19138

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SKM(CO)

RVM(05/04/2022)