



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.16325 OF 2020

Rajamma

... Petitioner

Vs.

1. The Secretary to Government,
Department of Personnel,
Pension and Grievances,
Fort St.George,
Chennai - 600 009.
2. The Accounts Officer,
Office of the Principal Accountant
General (Accounts & Entitlement),
Tamil Nadu, Chennai.
3. The District Collector,
Krishnagiri.
4. The Tahsildar,
Denkanikottai.

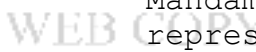
... Respondents

Prayer:

Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the 1st respondent to consider the representation dated 27.02.2020 of the petitioner and consequently to direct to grant the pension from the date of the petitioner's husband retirement i.e. with effect from 30.06.2004 and grant family pension to the petitioner after the date of his demise, i.e. with effect from 14.06.2006.

For Petitioner : Mr.T.Saikrishnan
For Mr.B.Lakshminarasimhan

For RR1, 3 & 4 : Mr.M.Bindran
Additional Government Pleader
For R2 : Mrs.C.Sangamithirai
Standing Counsel



ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, directing the 1st respondent to consider the representation dated 27.02.2020 of the petitioner and consequently to direct to grant the pension from the date of the petitioner's husband retirement i.e. with effect from 30.06.2004 and grant family pension to the petitioner after the date of his demise, i.e. with effect from 14.06.2006.

2. The case of the petitioner in brief:

According to the writ petitioner, originally the petitioner's husband was served as Village Menial and thereafter, Village Assistant. He was retired from service on 30.06.2004. By taking the aforesaid service and considering the G.O Ms No.625, 50% of the service can be taken into account for the eligibility of the pension. If the period is taking into account, the petitioner's husband has completed 10 years of service and he is eligible for the pensionary benefits. These aspects have not been considered by the respondents. While the petitioner's husband was claiming pensionary benefits, he died on 13.06.2006 leaving behind the petitioner and three children. Thereafter, the petitioner made a representation to the 3rd respondent for the family pension benefit for the death of her husband. The 3rd respondent directed the 4th respondent to conduct an enquiry through memo dated 15.06.2008 and thereafter the 4th respondent directed the petitioner to appear for the enquiry. Subsequently, the petitioner was directed to produce the relevant documents. Till date, she has not been granted family pension. Hence, the petitioner made repeated representations on 13.06.2019, 14.08.2019 and lastly on 27.02.2020, however there is no response from the respondents. Hence, this writ petition filed.

3. In the counter affidavit filed by the 3rd respondent, it is stated in para 3 as follows:

" As per rule 7(i) of the said 1995 Rules, a Village Assistant shall be eligible for pension, if he has rendered total qualifying service of 10 years or more and discharged or retired as per rules and orders. However, the husband of the petitioner has not put in 10 years of service and as stated above he is also not eligible to count half of the service rendered a part time Village Assistant towards qualifying service for pension since rule 11 of the Tamil Nadu Pension Rules is not applicable to Village Assistants. However, the husband of the petitioner is eligible for special pension under rule 8(ii) of the



said 1995 Rules since he has completed 5 years of service as regular Village Assistant before his retirement".

4. The learned counsel for the petitioner would submit that the petitioner will place all the relevant materials before the authority concerned seeking to take into account the said period for the pensionary benefits.

5. In view of the aforesaid submission, this Court is inclined to pass the following order:

i) The petitioner is directed to produce all the additional particulars before the authority concerned within a period of four weeks from the date of receipt of a copy of this order.

ii) On receipt of the same, the 1st respondent is directed to consider the petitioner's representation on merits and in accordance with law, as expeditiously as possible, within a period of eight weeks thereafter.

6. With the above direction, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
Department of Personnel, Pension and Grievances,
Fort St.George,
Chennai - 600 009.
2. The Accounts Officer,
Office of the Principal Accountant General
(Accounts & Entitlement),
Tamil Nadu,
Chennai.
3. The District Collector,
Krishnagiri.



4. The Tahsildar,
Denkanikottai.

+2ccs to Mr.B.Lakshminarasimhan, Advocate, S.R.No.18235
+1cc to the Government Pleader, S.R.No.18559

W.P.No.16325 of 2020

SSD(CO)
PM/05/04/2022