

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2022

CORAM

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

W.P.No.28510 of 2014

P.Grace Thavamani

...Petitioner

-Vs-

- 1.The Special Tahsildar,
Adi Dravidar Welfare,
Perambalur.
- 2.The District Adi Dravidar and
Tribal Welfare Officer,
Office of the District Collector,
Perambalur District.
- 3.The District Collector,
Collectorate,
Perambalur District.
- 4.The Principal Accountant General
of Tamil Nadu,
AG's Office (Audit) Complex,
Anna Salai, Rostrevor Garden,
Teynampet, Chennai - 18.
(R4 suo motu impleaded vide order
dated 01.07.2022 made in W.P.No.
28510 of 2014)

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the proceedings in Na.Ka.A/1088/2013 dated 03.10.2013 on the file of the first respondent herein and to quash the same, and to direct the respondents 1 and 2 to send the proposal for revised pension, regularization of dearness allowance and medical allowance, payment of Gratuity, leave encashment, and other monetary benefits accrued to the petitioner, with interest on the death of her husband.

For Petitioner : Mr.P.Raja
For R1 to R3 : Ms.R.L.Karthika,
Government Advocate
For R4 : No Appearance

ORDER

The order of rejection, rejecting the claim of the writ petitioner for sanction of pension, is under challenge in the present writ petition.

2. The impugned order dated 03.10.2013 issued by the first respondent states that a criminal case was pending against the deceased employee Mr.Ayyasami. Thus, the competent authority was not in a position to submit the pension proposals for sanction of pension.

3. The learned counsel for the petitioner made a submission that the petitioner's husband late Ayyasami, who was working as Teacher in Ogalur Adhi Dravida Elementary School in Kunnam Taluk, Perambalur, died and his name was not included in the criminal case.

4. However, these disputed facts cannot be adjudicated in a writ proceeding under Article 226 of the Constitution of India. The petitioner has to furnish all the required details along with the necessary documents to the competent authority, enabling the authority to prepare the pension proposal and submit the same to the Accountant General of Tamil Nadu for approval.

5. A memo dated 18.11.2014 issued by the Special Tahsildar to the District Adi Dravidar and Tribal Welfare Officer reveals that the husband of the petitioner was arrested during the relevant point of time and First Information Report was registered. The details regarding the status of the criminal case are required to be furnished and if the criminal case was disposed of, then the documents to that effect are to be submitted.

6. This being the factum the petitioner is at liberty to furnish all the details along with the relevant documents to the competent authority and in the event of any such application along with the requisite documents, the respondents are directed to consider the same and initiate all appropriate action to redress the grievance of the petitioner in the manner known to law.

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

Sd/-
Assistant Registrar (CS-VIII)

//True copy//

Sub Assistant Registrar

hvk

To

1. The Special Tahsildar,
Adi Dravidar Welfare,
Perambalur.
2. The District Adi Dravidar and
Tribal Welfare Officer,
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AG's Office (Audit) Complex,
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Teynampet, Chennai - 18.

+2ccs to Mr.P.Raja, Advocate SR.No.43849

+1cc to Government Pleader SR.No.44629

W.P.No.28510 of 2014

RSI(CO)
GMY(21/07/2022)