



WP No.28617 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12-07-2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

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1.M.S.Nallasamy (Deceased)

2.Kamala Devi

3.N.Kalpana

(Petitioner Nos.2 and 3 are substituted as

Legal Representatives of the deceased

first petitioner vide order of Court dated

12.07.2022 made in WMP No.28791 of 2017) ..

Petitioners

vs.

1.The Commissioner of Agriculture,

Chepauk,

Chennai – 600 005.

2.The Joint Director,

Agricultural Department,

Coimbatore – 13. ..

Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records on the file of the second respondent in letter No.A2/4642/2013 dated 09.10.2014 and quash the same and direct the second respondent to



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pay compassionate allowance to the deceased first petitioner.

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For Petitioners : Ms.Thenmozhi Shiva Perumal
For Respondents : Ms.R.L.Karthika,
Government Advocate.

O R D E R

The order of the second respondent dated 09.10.2014, rejecting the claim of the deceased first petitioner for grant of compassionate allowance or pension, is under challenge in the present writ petition.

2. The deceased first petitioner filed the present writ petition at the age of 66 years. He entered into service as Sales Assistant in the second respondent-Organisation on 02.09.1966. The deceased first petitioner was promoted to the post of Record Clerk and served for about 14 years.

3. Admittedly, the deceased first petitioner was removed from service and the grievance of the deceased first petitioner is that the eligible benefits due to him were not settled.



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4. The learned Government Advocate, appearing on behalf of the respondents, objected the said contentions raised on behalf of the writ petitioners, by stating that the removed employees are not eligible for pension and other terminal benefits on par with the employees allowed to retire from service.

5. No doubt, the removed employees are not entitled for full benefits. However, the eligible benefits due to the deceased first petitioner is to be settled, if any contribution is made, which is to be reimbursed, in accordance with the rules. The said benefits are to be settled by following the procedures as contemplated.

6. Thus the respondents are directed to verify the Service Records of the deceased first petitioner and if the deceased first petitioner is eligible for the benefits applicable to the removed employees and accordingly settle the same, if any, as expeditiously as possible.



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7. With the abovesaid directions, the writ petition stands

disposed of. However, there shall be no order as to costs.

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Index : Yes/No.

Internet : Yes/No.

Speaking Order/Non-Speaking Order.

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To

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S.M.SUBRAMANIAM, J.

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