IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.3.2022

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THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.No.18191 of 2020

1 S.Susila ... Petitioner

Vs.

1 The State of Tamil Nadu
Rep by its Secretary to Government,
Commercial Taxes(A1) and Registration
Dept., Fort St.George, Chennai 600 009.

2 The Principal Secretary/Commissioner of
Commercial Taxes, Chepauk,
Chennai 600 005.

3 The Deputy Commercial Tax officer,
Udhagai (North), Udhagamandalam-643 001,
The Nilgiris District

4 The Accountant General(A & E),
Tamil Nadu, 361 Anna Salai,
Teynampet, Chennai 600 018. ... Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the respondents to issue necessary orders in order to disburse the Family Pension and other terminal benefits such as Leave encashment salary, Gratuity, Provident Fund, etc. to the petitioner within the time limit.

For Petitioner : Mr.R.Baskaradoss
For Respondents- 1 to 3 : Mr.M.Venkateswaran, Spl.G.P.
For Respondent-4 : Mr.T.S.Selvarani,
Stanting Counsel

O R D E R

According to the petitioner, the petitioner's father served in the Army Service as Sepoy (Corps) for the period from 1.10.1943 to 24.1.1946 i.e. he served only about two years, not received any Defence Service Pension for want of minimum qualified service of 15 years. Subsequently, the petitioner's father re-employed as Peon in Commercial Taxes Department, viz., third respondent herein on 25.5.1953. While in service, he died on 21.9.1957 during working hours due to heart attack. His last salary and allowances for the period from 1.9.1957 to 21.9.1957 was drawn and disbursed to the petitioner's father. But, the terminal benefits such Provident Fund, Death-cum-Retirement Gratuity, Family Pension, Leave Salary, etc. were not drawn and paid to the family of the petitioner. The petitioner's mother as well as the petitioner languishing for 60 years to get the legitimate terminal benefits and Family Pension due. Therefore, the petitioner has filed the instant writ petition before this Court.

2. The learned Special Government Pleader appearing for the respondents 1 to 3 would submit that the State Tax Officer has sent proposal to the Accountant General, the fourth respondent herein by narrating the facts briefly and stated that due to efflux of time, the variation between the actual date of death and date of death furnished in the legal heir Certificate and the death certificate could not be reconciled and requested to consider sympathetically and sanction maximum Family Pension to the petitioner. The aforesaid proposal was forwarded by the State Tax officer on 7.10.2021 and the same is now pending with the fourth respondent.

3. The learned counsel appearing for the 4th respondent would submit that the said proposal would be considered by the fourth respondent in accordance with law and appropriate orders will be passed.

4. In view of the submissions made by the counsel appearing for the parties, considering the limited scope of the prayer as sought for by the petitioner and the stand taken by the third respondent, the fourth respondent is directed to consider the proposal submitted by the third respondent and pass appropriate orders on merit and in accordance with law as expeditiously as possible, preferably within a period of 12 weeks from the date of receipt of copy of the order.

5. Accordingly, the writ petition stands disposed of with the above directions. No Costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
   The State of Tamil Nadu
   Commercial Taxes(A1) and Registration
   Dept., Fort St.George, Chennai 600 009.

2 The Principal Secretary/Commissioner of
  Commercial Taxes, Chepauk,
  Chennai 600 005.

3 The Deputy Commercial Tax officer,
  Udhagai (North), Udhagamandalam-643 001,
  The Nilgiris District

4 The Accountant General(A & E),
  Tamil Nadu, 361 Anna Salai,
  Teynampet, Chennai 600 018.

+1cc to Mr.R.Baskaradoss, Advocate, S.R.No.16482
+1cc to the Special Government Pleader,(Taxes) S.R.No.16771

W.P.No.18191 of 2020

PMK(CO)
CT 23/03/2022