



W.P.(MD)No.14736 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.07.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE G. CHANDRASEKHARAN**

W.P.(MD)No.14736 of 2022

N.Muthu Eswari

.. Petitioner

Vs

1.The Principal Secretary to the Government,
Municipal Administration and Water Supply Department,
Fort St. George,
Chennai-9.

2.The Commissioner of Revenue Administration,
Municipal Administration and Water Supply Department,
Fort St. George,
Chennai-9.

3.The Commissioner,
Madurai Corporation,
Madurai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the Respondent no.1 to grant relaxation in pursuance to the proposal forwarded by the respondent No. 3 vide proceedings in Ma.Ni27/MaNi10/001148/2019 dated 31.12.2020 and disburse the eligible retirement benefits of the petitioner's deceased



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husband namely Mr.M.Devadoss, Drainage Inspector (Retired) and the family pension and other consequential benefits including arrears to the petitioner.

For Petitioner : Mr.T.Lajapathi Roy
For Respondents : Mr.R.Ragavendran
1 and 2 Government Advocate
For 3rd Respondent : Mr.S.Devasena
Standing Counsel

ORDER

This Writ Petition has been filed to direct the first respondent to grant relaxation in pursuance to the proposal forwarded by the third respondent vide proceedings in Ma.Ni27/MaNi10/001148/2019 dated 31.12.2020 and disburse the eligible retirement benefits of the petitioner's deceased husband namely Mr.M.Devadoss, Drainage Inspector (Retired) and the family pension and other consequential benefits including arrears to the petitioner.

2.Mr.R.Ragavendran, learned Government Advocate takes notice for the respondents 1 and 2. By consent, this writ petition is taken up for final disposal at the admission stage itself.



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3.The learned counsel appearing for the petitioner submitted that the petitioner's husband served as Drainage Inspector in the third respondent department. He was not paid pensionary benefits, since he has not cleared the departmental examination. Thereafter, the petitioner's husband died on 17.11.2020. After the death of her husband, the petitioner was paid only provisional family pension to the tune of Rs.10,284/- every month and till date. Thereafter, she has sent a representation to the third respondent on 28.12.2020. On 31.12.2020, the third respondent has forwarded a proposal seeking relaxation from the Government for not passing the departmental test within the probation period for the purpose of disbursing the retirement benefits and pension. Thereafter there is no progress. Again on 29.06.2022, she has sent another representation. Since no action has been taken, the present writ petition has been filed.

4.The learned Counsel appearing for the petitioner submitted that it would suffice, if the petitioner's representation is considered.



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5.Considering the limited scope of prayer sought for by the learned counsel appearing for the petitioner and also the facts narrated above, the first respondent is directed to consider the representation of the petitioner dated 29.06.2022 and pass appropriate orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

6.With the above direction, this Writ Petition is disposed of. No costs.

08.07.2022

Index: Yes/No
Internet : Yes/No
vsg



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To:

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G. CHANDRASEKHARAN, J.

vsg

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