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Writ Petition No.1930 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.1930 of 2023

S.Gunajothi

W/o.(late) K.Shanmugam

... Petitioner

Vs.

- 1.The Principal Secretary to Government
cum Chairman of TWAD (MA & WS Dept),
Secretariat, St.George Fort,
Chennai.
- 2.The Managing Director,
Tamil Nadu Water Supply and Drainage Board,
No.31, Kamarajar Salai,
Chepauk, Chennai - 600 005.
- 3.The Chief Engineer,
Tamil Nadu Water Supply and Drainage Board,
No.30, Bharathi Park Road,
Siruvani Nagar,
Coimbatore - 43.
- 4.The Superintending Engineer,
Tamil Nadu Water Supply and Drainage Board,
Erode-Karur-Tiruppur Circle,
Erode, Erode District.
- 5.The Executive Engineer,
Tamil Nadu Water Supply and Drainage Board,
Rural Water Supply Division,



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Erode, Erode District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus directing the respondents 1 and 2 to consider the representation dated 14.03.2022 of the petitioner seeking necessary steps to release the revised pay arrears by implementing incremental and pay commissions to the petitioner's husband (late) Mr.Shanmugam for the period from the date of commencement of his service till his last working date of 16.04.2016.

For Petitioner : Mr.V.R.Appaswamee

For Respondents : Ms.R.Vijaya Devi
Government Advocate

ORDER

This Writ Petition has been filed for issuance of a writ of mandamus directing the respondents 1 and 2 to consider the representation made by the petitioner on 14.03.2022 wherein the petitioner has sought for revision of pay arrears by implementing the incremental and pay commission for her husband, who was working as Assistant Engineer in the Tamil Nadu Water Supply and Drainage Board (TWAD).

2. The case of the petitioner is that her husband was appointed as an Engineer in the TWAD Board. A charge memo came to be issued



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against him alleging various irregularities. A criminal case also came to be filed and the husband of the petitioner was arrested in the course of investigation and he was also suspended through proceedings dated 27.11.2002. Later, the suspension was revoked on 13.02.2003. The further case of the petitioner is that all the charges leveled against the petitioner's husband were dropped through proceedings dated 17.12.2007. Apart from that, the criminal case that was lodged against the husband of the petitioner was also quashed by this Court in Crl.O.P.No.29814 of 2014 by order dated 26.02.2015.

3. The husband of the petitioner died on 16.04.2016 and based on the request made by the petitioner, temporary family pension was sanctioned to the petitioner through proceedings dated 02.08.2018. Thereafter, the petitioner made a representation on 03.08.2019 for grant of full pension and all other pensionary benefits. Since the same was not considered, the petitioner had filed a writ petition before this Court in W.P.No.27877 of 2019 and based on the directions issued by this Court, the pensionary benefits were settled to the petitioner.



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4. The grievance of the petitioner is that the husband of the petitioner was entitled for increments based on the pay commission report and the same was not granted when the pension amount was fixed and the pensionary benefits were released to the petitioner. In view of the same, the petitioner made a representation on 14.03.2022 seeking for the revised pay arrears. Since the same was not considered, the present writ petition has been filed seeking for appropriate directions.

5. Heard Mr.V.R.Appaswamee, learned counsel for the petitioner and Ms.R.Vijaya Devi, learned Government Advocate, appearing for the respondents.

6. Taking into consideration the limited relief sought for in this writ petition and without going into the merits of the case, there shall be a direction to the second respondent to consider the representation of the petitioner dated 14.03.2022 on its own merits and in accordance with law and take a decision within a period of six (6) weeks from the date of receipt of a copy of this order. The petitioner is directed to make a fresh



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representation to the second respondent along with all the relevant documents and also a copy of this order.

Accordingly, this Writ Petition is disposed of with the above direction. No costs.

25.01.2023

Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order
gm

To

- 1.The Principal Secretary to Government
cum Chairman of TWAD (MA & WS Dept),
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Chennai.
- 2.The Managing Director,
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5. The Executive Engineer,
Tamil Nadu Water Supply and Drainage Board,
Rural Water Supply Division,
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N.ANAND VENKATESH, J

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