



W.P.No.4166 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2023

CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.4166 of 2020

Amudha

... Petitioner

Vs.

1. The Secretary to Government
Municipal Administration & Water
Supply Department,
Fort.St.George,
Chennai.
2. The Director of Municipal Administration
Urban Administration Buildings,
M.R.C.Nagar, Chennai 600 028.
3. The Director of Local Fund Audit
Integrated Complex for Finance Department
Animal Husbandry Hospital Campus,
Nandanam,
Chennai 600 035.
4. The Commissioner
Athur Municipality,
Athur,
Salem District.
5. The Assistant Director of Local Fund Audit



W.P.No.4166 of 2020

Integrated Complex for Finance Department
Animal Husbandry Hospital Campus,
Nandanam, Chennai 600 035.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorarified Mandamus to call for the records in pursuant to the 1st impugned order issued by the 5th respondent in proceedings Mu.Mu.No.1239/Na.O.Sa (2)/2015 dated 30.01.2015 and the subsequent 2nd impugned order issued by the 5th respondent in proceedings Mu.Mu.No.4974/Na.O.Sa(2)/2016 dated 29.06.2016 and quash the same and consequently direct the respondents to grant family pension and other pensionary benefits to the petitioner under the Tamil Nadu Pension Rules 1978 with interest at the rate of 12% per annum with effect from the date of death of petitioner's husband on 17.02.2014 with all consequential service and monetary benefits.

For Petitioner	:	Mr.R.Prem Narayan
For Respondents	:	Mr.S.Silambannan Additional Advocate General Asst.by Mr.T.Chezhiyan Addl.Govt. Pleader for R1 to R3 & R5
		Mr.T.Chezhiyan Additional Government Pleader for R4

ORDER



W.P.No.4166 of 2020

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The present Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus to quash the order issued by the 5th respondent in Proceedings Moo. Mu. No.1239/Na.O.Sa (2)/2015, dated 30.01.2015 and the subsequent 2nd impugned order issued by the 5th respondent in proceedings Mu.Mu.No.4974/Na.O.Sa(2)/2016 dated 29.06.2016 and consequently direct the respondents to grant family pension and other pensionary benefits to the petitioner under the Tamil Nadu Pension Rules 1978 with interest at the rate of 12% per annum with effect from the date of death of the petitioner's husband on 17.02.2014 with all consequential service and monetary benefits.

2. It is the case of the petitioner that her husband was initially appointed as NMR on daily wages in the 4th respondent Municipality on full time basis. Based on G.O.Ms.No.101 Municipal Administration & Water Supply Department dated 05.05.1998 petitioner's husband was appointed in the regular vacant post of Sanitary Worker in the 4th respondent Municipality on consolidated pay with effect from 22.05.1998 & subsequently he was brought into regular time scale of pay with effect from 22.05.1999. The petitioner's husband died while in service on 17.02.2014. The 5th respondent



W.P.No.4166 of 2020

issued the impugned order refusing to grant family pension to the petitioner under the Tamil Nadu Pension Rules 1978. Hence, the present Writ Petition.

3. Today when the matter was taken up for hearing, the learned Additional Advocate General – II Assisted by Mr.T.Chezhiyan, learned Additional Government Pleader furnished a copy of the letter (3P) No.02, dated 08.03.2023 of the Municipal Administration & Water Supply Department, Fort St.George, Chennai addressed to the Director of Local Fund Audit, Chennai and the relevant paragraphs 9 & 10 of the said letter are worth extracting.



4. In view of the above, this writ petition is disposed of and the



W.P.No.4166 of 2020

pension arrears consequent to the order passed by the first respondent dated 08.03.2023 shall be settled to the petitioner within a period of six months from the date of receipt of a copy of this order. No costs.

27.07.2023

(10/10)

dpq

Index : Yes/No

Speaking Order : Yes/No

To:

Page No.5 of 7



W.P.No.4166 of 2020

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Supply Department,
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J. SATHYA NARAYANA PRASAD, J.



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W.P.No.4166 of 2020

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Writ Petition No.4166 of 2020

(10/10)

27.07.2023