



WEB COPY



W.P.No.4151 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2023

CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.4151 of 2020
and WMP.No.4910 of 2020

Nagamma

... 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
Vaniyambadi Municipality
Vaniyambadi,
Vellore District.



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5. The Assistant Director of Local Fund Audit
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 impugned order issued by the 5th respondent in proceedings Mu.Mu.No.6529/Na.O.Sa (3)/2017 dated 05.07.2017 and quash the order and consequently direct the respondents to grant family pension and other consequential 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 06.02.2017 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

The present Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus to quash the impugned order issued by the 5th



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respondent in proceedings Mu.Mu.No.6529/Na.O.Sa (3)/2017 dated 05.07.2017 and consequently direct the respondents to grant family pension and other consequential 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 06.02.2017 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 in the year 1986. Based on G.O.Ms.No.101 Municipal Administration & Water Supply Department dated 30.04.1997 & G.O.Ms.No.71 Municipal Administration & Water Supply Department dated 05.05.1998 the petitioner's husband was appointed in the regular vacant post of Sanitary Worker in the 4th respondent Municipality on consolidated pay with effect from 05.06.1998 and subsequently he was brought into regular time scale of pay with effect from 04.06.1999. The petitioner's husband died while in service on 06.02.2017. The 5th respondent issued the impugned orders refusing to grant family pension to the petitioner under the Tamil



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Nadu Pension Rules 1978. Hence, the present Writ Petition.

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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.





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4. In view of the above, this writ petition is disposed of on the following directions:-

(i) the 4th respondent is directed to send a fresh proposal to the Government through the Commissioner of Municipal Administration for the inclusion of the petitioner's name in the list of beneficiaries within a period of three weeks from the date of receipt of a copy of this order and on such receipt of the proposal, the first respondent shall consider the same to include the petitioner's name in the beneficiaries list.

(ii) the pension arrears consequent to the order passed by the first respondent dated 08.03.2023 shall be settled to the petitioner and the above said exercises shall be completed within a period of six months from the date of receipt of a copy of this order. No costs. Consequently connected miscellaneous petition is also closed.

01.08.2023

dpq
Index : Yes/No
Speaking Order : Yes/No



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J. SATHYA NARAYANA PRASAD, J.

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