



W.P.No.4221 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.08.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

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Rajathi

... Petitioner

Vs.

1.The Government of Tamilnadu,  
Rep. by its Secretary to Government,  
Home(Police) Department,  
Secretariat,  
Chennai 600 009

2.The Director General of Police,  
Tamilnadu, Chennai 600 004

3.The Superintendent of Police,  
Villupuram District,  
Villupuram

... Respondents

**PRAYER:** Writ Petition is filed under Article 226 of Constitution of India praying to issue Writ of Mandamus directing the respondents to sanction Family Pension to the petitioner consequent on the deemed retirement of the petitioner' husband on 30.04.1992 and on his death on 23.05.1998.

For Petitioner : Mr.A.R.Suresh  
for Mr.V.Thirupathi



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For Respondents : Mr.P.Kumaresan,  
Additional Advocate General  
Assisted by  
Mr.V.Veluchamy,  
Additional Government Pleader

## **ORDER**

This writ petition has been filed seeking direction to the respondents to sanction family pension to the petitioner.

2. Heard, the learned counsel appearing on either side.

3. The husband of the petitioner was working as Head Constable. While he was in service, disciplinary proceedings was initiated against him under Rule 3(b) of Tamilnadu Police Subordinate Service (D&A) Rules in PR.No.59/82 alleging that he had absented himself from service without leave or permission from 24.04.1982. The said disciplinary proceedings lead to dismissal from service by order dated 03.06.1983. Aggrieved by the same, he challenged the order of dismissal before the Tamilnadu Administrative Tribunal, Chennai in OA.No.2318 of 1992. The Tribunal by its order dated 08.06.1995,



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allowed the application and set aside the order of dismissal and further directed the third respondent to reinstate him into service with 50% of pay and allowances for the period in which he was out of employment with service continuity. In the meanwhile, her husband attained age of superannuation on 30.04.1992. Therefore, the order of reinstatement into service did not arise.

4. As against the order of Tribunal, the respondents filed appeal before the Hon'ble Supreme Court of India in CA.No.6733 of 1996, wherein the Hon'ble Supreme Court of India by its order dated 04.04.1996 set aside the order passed by the Tamilnadu Administrative Tribunal and remanded the matter for fresh disposal. While the matter was pending, her husband died on 23.05.1998. Subsequently, the Tamilnadu Administrative Tribunal was abolished and all the matters pending before the Tribunal were transferred to this Court and converted as writ petitions. However, the petitioner had no knowledge about the fate of the order or pending of the application. Hence, this Court called for records in OA.No.2318 of 1992. However, there is no information



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available about whether the Tribunal before its abolition, transferred the same to this Court.

5. Therefore, the third respondent was directed to produce the Service Register of the petitioner's husband. Today, the third respondent produced the records related to the petitioner's deceased husband. On perusal, it revealed that the order of dismissal was revoked and he was allowed to retire on his attainment of superannuation. However, there is no records to show that the terminal benefits and other attendant benefits were disbursed to his legal representatives.

6. Considering the above facts and circumstances of the case, the petitioner is entitled for terminal benefits and other attendant benefits including the pensionary benefits of her deceased husband in view of his retirement from service. However, she is not entitled for any backwages. Accordingly, the respondents are directed to disburse the terminal benefits of the petitioner's husband and pensionary benefits to the petitioner within a period of twelve weeks from the date of receipt of copy of this Order.



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7. With the above directions, this writ petition is disposed of.

There shall be no order as to costs.

11.08.2023

Internet: Yes

Index: Yes/No

Speaking/Non-speaking order

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**G.K.ILANTHIRAIYAN, J.**

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To

1. Secretary to Government,  
The Government of Tamilnadu,  
Home(Police) Department,  
Secretariat,  
Chennai 600 009
2. The Director General of Police,  
Tamilnadu, Chennai 600 004
3. The Superintendent of Police,  
Villupuram District,  
Villupuram
4. The Public Prosecutor,  
High Court, Madras.

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