



W.P.No.6300 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2023

CORAM

THE HONOURABLE MR. JUSTICE Dr.D.NAGARJUN

W.P.No.6300 of 2015

A. Arfhunissa

... Petitioner

Vs.

1. The Secretary to Government,
Environment and Forest Department,
Secretariat, Chennai 9.

2. The Principal Chief,
Conservator of Forest,
Panagal buildings, Saidapet, Chennai 17.

3. The Chief Forest Officer, Vellore.

4. The District Forest Officer,
(South), Chinnakadai Street,
Thiruvannamalai.

5. The Forest Ranger,
Officer of the Forest Ranger,
Sathanur Dam, Sathanur.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the respondents to consider representation dated 12.5.2014 for petitioner's husband family pension.



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For Petitioner : No Appearance

For Respondents : M/s.C.Sangamithirai

ORDER

This writ petition is filed seeking for a mandamus to direct the respondents to consider the representation dated 12.05.2014 over sanctioning of the family pension of the petitioner's husband.

2. This petition was listed on 30.10.2023 and there was no representation for the petitioner, thereby this matter was directed to be listed on 31.10.2023 (i.e. today), under the caption “For Dismissal”. Even today when the matter is called up for hearing, non appeared for the petitioner. Learned Counsel for the respondents is present.

3. The facts in brief as per the affidavit are that the petitioner's husband, Late Alla Bakshi, joined the respondent Department on 01.02.1984, as a daily wage employee. The respondent Department normally regularises the services of a daily wage employee after completion of 5 years of their services but the petitioner's husband was not regularised even after 10 years of his service. The petitioner's husband



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along with four others had filed an O.A. before the Tamil Nadu Administrative Tribunal which was later converted as a Writ Petition which was ordered in favour of the petitioner and four others who were the petitioners therein. The petitioners in the above said writ petition got their services regularised and also got the benefits of the G.O. except the petitioner's husband since the petitioner was dead by the time of the above said writ petition being ordered, the respondents simply neglected his services.

4. It is submitted that since her husband passed away and the services of her husband were not regularised, she filed a representation dated 12.05.2014 before the respondents to consider regularisation of the services of her late husband with effect from 01.02.1994 as he had completed 18 years of services as on his death and sought for granting of family pension.

5. Learned counsel appearing on behalf of the respondents has filed a detailed counter stating that, as per G.O.Ms.No.408 Finance (pen) Department dated 25.08.2009, the employees who rendered services as daily wage employee, on or after 01.06.1961, and absorbed in regular



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service before 01.04.2003, shall be counted for retirement benefits. It is mentioned in the Counter affidavit that the petitioner's husband worked only as a daily wage employee and not absorbed into regular services and was paid consolidated pay. As per G.O.Ms.No.41 Finance (pen) department 09.0.2010, it is provided that this rule is applicable to employees who rendered services under State Government in non provincialised service consolidated pay/ honorarium / daily wages on or after 01.01.1961 and absorbed in regular service before 01.04.2003 only, but Thiru Alla Bakshi, late husband of the petitioner was not absorbed in a regular service till his duty period up to 31.03.2002 and he died on 29.04.2002 Hence the petitioner is not eligible for family pension as per the rules in force.

6. In view of the submissions made by the learned counsel for the respondents and sure there is no representation for the petitioner, this writ petition stands **dismissed**. However, there shall be no order as to costs.

Index : Yes
Speaking Order
Neutral Citation : Yes
(sha)

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Dr.D.NAGARJUN. J.,

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