



WEB COPY



W.P.No.30503 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2023

CORAM

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

W.P.No.30503 of 2014
and M.P.No.1 of 2014

1. Ms.K.Savithri (Died)
2. Tmt.K.Shila
3. K.Kalimuthu
(P2 and P3 substituted as LRs
of deceased sole petitioner
vide order dated 27.07.2022
made in W.M.P.No.19138 of
2021 in W.P.No.30503 of 2014) ... Petitioners

-Vs-

1. The Chief Secretary to Government,
Chief Secretariat,
Puducherry- 605 001.
2. The Secretary to Government (Public Works),
Chief Secretariat, Puducherry – 605 001.
3. The Chief Engineer,
Public Works Department,
Puducherry – 605 001.
4. The Block Development Officer,
Block Development Office,
Nehur Nagar, Karaikal – 609 605. ... Respondents



W.P.No.30503 of 2014

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the respondents herein to effect payment of the withheld amount of Rs.4,47,769/- with interest at 12% till the date of payment which is payable to the husband of the petitioner late Thiru G.Kaliyaperumal while he was in service as Assistant Engineer, towards arrears of pay and allowances for the period from 07.01.1994 to 31.12.1995 and from 01.01.1996 to 30.04.2003 to the tune of Rs.2,62,619/- unutilized Earned Leave Salary to the tune of Rs. 1,47,250/- and Rs.38,380/- towards accumulations under the Union Territory Government Employees Group Insurance Scheme, 1984.

For Petitioners : Mr.N.Thiagarajan

For Respondents : Mr.R.Syed Mustafa
Special Government Pleader

ORDER

This writ petition has been filed for direction directing the respondent to effect payment of the withheld amount of Rs.4,47,769/- with interest at 12% till the date of payment.

2. Heard the learned counsel for the petitioners and the learned Special Government Pleader for the respondents and perused the materials available on record.



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3. While pending writ petition, the petitioner died and the legal heirs of the deceased petitioner are substituted in the place of the deceased petitioner.

4. The deceased petitioner's husband had rendered 36 years of regular service and was superannuated on 30.04.2003 from the office of the fourth respondent as Assistant Engineer. He died on 19.12.2011. During his tenure of service, a criminal case was foisted against him and culminated into CC.No.1 of 1996 on the file of Additional Sessions Judge, Puducherry at Karaikal. Therefore, he was suspended from service from 07.01.1994 to 19.03.1995. During his suspension period, pre-revised scale of pay was stopped. Subsequently, the Criminal case ended in conviction and sentenced him to undergo six months simple imprisonment with a fine of Rs.3,500/-. Aggrieved by the same, the deceased petitioner's husband filed an appeal in C.A.No.37 of 2007 and the same was allowed and the conviction and sentence imposed by the Trial Court was set aside and her husband was acquitted from the Criminal Charges. Thereafter, the Government issued an order dated 21.05.2013, regularizing his suspension period as duty for all purposes.



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However, she was not paid any arrears of Rs.4,47,769/- as tabled hereunder:-

Sl.No.	Nature of Payment	Amount
1.	Arrears of Pay and Allowances:	(Rs)
	(i) From 07.01.1994 to 31.12.1995	1,09,519
	(ii) From 01.01.1996 to 30.04.2003	1,52,620
2.	Unutilised Earned Leave Salary	1,47,250
3.	Accumulations under the Union Territory Govt. Employees Group Insurance Scheme, 1984	38,380
	Total	4,47,769

5. Therefore the deceased petitioner submitted a representation to the third respondent claiming arrears of pension, family pension and retirement gratuity benefits. However, it was not considered and filed a writ petition. Even before this writ petition, the petitioners herein filed W.P.No.28512 of 2014 for direction directing the respondents to issue the 2nd Financial conferment order, conferring the pre-revised hierarchical upgraded scale of pay for the deceased petitioner's husband with effect from 09.08.1999 with pay, pension and family pension. This Court, by order dated 08.06.2022 directed the respondents to verify the eligibility and entitlement and take a decision and pass appropriate orders on merits and in accordance with law. Accordingly, the request made by the petitioners herein were considered and disbursed a sum of Rs.1,47,450/-



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as leave salary, arrears of pay and allowance to the tune of Rs.1,96,625/-
. Under the head of accumulations under the Union Territory Government Employees Group Insurance Scheme, 1984, a sum of Rs.38,380/- was paid. There are some shortages as claimed by the petitioner.

6. Considering the facts and circumstances of the case, the respondents are directed to consider the balance claim of the petitioners and pass appropriate orders, within a period of four weeks from the date of receipt of a copy of this order.

7. With the above directions, this Writ petition is disposed of. Consequently, connected Miscellaneous petition is closed. No costs.

04.09.2023

Internet : Yes
Index : Yes/No
Speaking order/Non-speaking order
mn/nsl



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G.K.ILANTHIRAIYAN, J.

mn

To

1. The Chief Secretary to Government,
Chief Secretariat,
Puducherry- 605 001.
2. The Secretary to Government (Public Works),
Chief Secretariat, Puducherry – 605 001.
3. The Chief Engineer,
Public Works Department,
Puducherry – 605 001.
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Block Development Office,
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