



W.P.No.20825 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.03.2023

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.20825 of 2019

K.Shantha

... Petitioner

Vs.

The Principal Accountant – General,
(Accounts and Entitlements) Tamilnadu
No.261, Anna Salai,
Chennai – 600 018

...Respondent

Writ Petition is filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus to direct the respondent to revise the petitioner's family pension in accordance with the recommendations of 5th, 6th and 7th pay commission and consequently to pay arrears accrued within a stipulated time.

For Petitioner : Mr.T.P.Prabakaran

For Respondent : Mr.T.M.Rajangam
Government Advocate

ORDER

The present Writ Petition has been filed for issuance of a Writ of Mandamus to direct the respondent to revise the petitioner's family pension



W.P.No.20825 of 2019

in accordance with the recommendations of 5th, 6th and 7th pay commission and consequently to pay arrears accrued within a stipulated time.

2. The brief case of the petitioner is as follows:-

The petitioner's husband was working as Head Constable (HC 1854) in Tamilnadu State Police service and was retired from his services on attaining superannuation on 28.12.1998. Thereafter, he was sanctioned pension and drawing the same. Subsequently, the petitioner's husband expired on 15.05.1999 and the petitioner was receiving her part of pension, however, the respondent has not given effect to 5th, 6th and 7th pay commission to the petitioner. Hence the petitioner has submitted a representation dated 21.02.2019 requesting to extend the benefit given in 5th, 6th and 7th pay commission to the petitioner, however, the respondent has not taken any steps in this regard. Aggrieved by the same, the petitioner has preferred the present petition.

3. The learned counsel for the petitioner submits that the pay commission recommendation for revision of pension was implemented by the Tamilnadu State government during the years 2006, 2011 and 2016 for the retired government servants and their pension was revised in accordance with the recommendations, but in the case of the petitioner, the



W.P.No.20825 of 2019

respondent has not revised the petitioner's family pension and the benefit given by implementing the recommendations of the 5th, 6th and 7th pay commissions were not extended to her. Though the petitioner has approached the respondent's office several times and requested to revise her family pension in accordance with the said recommendations, the respondent so far has not taken any action in this regard.

4. On the other hand, the learned Government Advocate appearing on behalf of the respondent submitted that sufficient time may be granted to the respondent to consider the prayer of the petitioner.

5. In the light of the above, the respondent is directed to consider the representation of the petitioner and revise the family pension to petitioner in accordance with the recommendations of the 5th, 6th and 7th pay commission, if she is eligible, within a period of twelve weeks from the date of receipt of a copy of the order.

In view of the above, the Writ Petition is disposed of. No costs.

29.03.2023

Index : Yes/No
Internet : Yes/No
ssd



WEB COPY



W.P.No.20825 of 2019

V.BHAVANI SUBBAROYAN, J.,

ssd

To
The Principal Accountant – General,
(Accounts and Entitlements) Tamilnadu
No.261, Anna Salai,
Chennai – 600 018

W.P.No.20825 of 2019

29.03.2023