



W.P.Nos.23597, 24639 & 24648 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2023

CORAM :

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.Nos.23597, 24639 & 24648 of 2019
and W.M.P.No.23411 of 2019

W.P.No.23597 of 2019

K.Lakshmi

.. Petitioner

VS

- 1.The Secretary to Government
Municipal, Administration & Water Supply Department,
Fort St.George, Chennai – 09.
- 2.The Director of Municipal Administration,
Chepauk, Chennai – 05.
- 3.The Director of Local Fund Audit,
Integrated Complex for Finance Department,
Animal Husbandry Hospital Campus,
Nandanam, Chennai – 35.
- 4.The Commissioner
Udumalaipet Municipality,
Tiruppur District.
- 5.The Assistant Director of Local Fund Audit,
Integrated Complex for Finance Department,
Animal Husbandry Hospital Complex,
Nandanam, Chennai – 35.

.. Respondents

W.P.No.24639 of 2019

P.Akila

.. Petitioner

VS



W.P.Nos.23597, 24639 & 24648 of 2019

1.The Secretary to Government,
Municipal Administration & Water Supply Department,
Fort St.George, Chennai – 09.

2.The Director of Municipal Administration,
Chepauk, Chennai – 05.

3.The Director of Local Fund Audit,
Integrated Complex for Finance Department,
Animal Husbandry Hospital Complex,
Nandanam, Chennai – 35.

4.The Commissioner
Dharmapuri Municipality,
Dharmapuri & District.

.. Respondents

W.P.No.24648 of 2019

M.Devi

.. Petitioner

VS

1.The Secretary to Government,
Municipal Administration & Water Supply Department,
Fort St.George, Chennai – 09.

2.The Director of Municipal Administration,
Chepauk, Chennai – 05.

3.The Director of Local Fund Audit,
Integrated Complex for Finance Department
Animal Husbandry Hospital Campus,
Nandanam, Chennai – 35.

4.The Commissioner
Dharmapuri Municipality,
Dharmapuri & District.

5.The Assistant Director of Local Fund Audit,
Integrated Complex for Finance Department,
Animal Husbandry Hospital Campus,
Nandanam, Chennai – 35.

.. Respondents



W.P.Nos.23597, 24639 & 24648 of 2019

Prayer in W.P.No.23597 of 2019: Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus to call for the records in pursuant to the impugned order passed by the fifth respondent in proceedings Mu.Mu.No.19917/Na.O.Sa (4)/2018 dated 28.09.2018 and quash the same and consequently direct the respondents to grant family pension and other pensionary benefits to the petitioner under the Tamil Nadu Pension Rules, 1978 with interest with effect from 10.05.2017 i.e., the date of death of the petitioner's husband with all consequential service and monetary benefits.

Prayer in W.P.No.24639 of 2019 : Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus to call for the records in pursuant to the impugned order passed by the 3rd respondent in proceedings Mu.Mu.No.12259/Na.O.Sa (2)/2018 dated 03.08.2018 and quash the same and consequently direct the respondents to grant family pension and other pensionary benefits to the petitioner under the Tamil Nadu Pension Rules, 1978 with interest.

Prayer in W.P.No.24648 of 2019: Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus to call for the records in pursuant to the 1st impugned order passed by the 5th respondent in proceedings Mu.Mu.No.9448/Na.O.Sa 3/2014 dated 08.05.2014 & the 2nd impugned order passed by the 5th respondent in proceedings Mu.Mu.No.26720/N.O.Sa(3)/2016 dated 04.07.2016 and quash these orders and consequently direct the respondents to grant family pension and other pensionary benefits to the petitioners under the Tamil nadu Pension Rules, 1978 with interes.

For Petitioner : Mr.R.Prem Narayan
(in all writ petitions)

For Respondents : Mr.S.Ravi Kumar
Special Government Pleader
(in W.P.No.24639 of 2019)
(in W.P.No.24648 of 2019)

for R1 to R3
(in W.P.No.23597 of 2019)

Mr.B.Anand for R4
(in W.P.No.23597 of 2019)



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COMMON ORDER

In all the writ petitions, the same issue is agitated and a common order is passed.

2. In W.P.No.23597 of 2019 – K.Lakshmi, in her affidavit had stated that her husband K.Kartheeban, had been originally appointed as Substitute Sanitary Worker on daily wages in Udumalaipet Municipality on 01.06.1998. Thereafter, consequent to issuance of G.O.Ms.No.101, Municipal Administration and Water Supply Department, dated 30.04.1997 and G.O.Ms.No.71, Municipal, Administration and Water Supply Department dated 05.05.1998, orders were issued appointing the husband of the petitioner as Sanitary Worker on consolidated pay. However, on orders of the Commissioner of Municipal Administration, dated 29.06.2000, on the basis of which, the Commissioner of Udumalaipet Municipality had issued proceedings regularizing the services of her husband with effect from 05.06.1999. The only issue is with respect to the grant of family pension. The papers had not been processed and clarification was sought by the Director of Local Fund Audit.



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2.1 In this connection, reliance can be placed on the clarification issued by the Additional Chief Secretary to the Government dated 08.03.2023 in letter No.(3u) No.02 whereby a clarification had been issued that if the services of a public servant had been regularized prior to 01.04.2000, then he / she would be entitled for pension. The petitioner therefore would also be entitled for family pension since her husband has unfortunately died.

3. The petitioner in W.P.No.24648 of 2019 – M.Devi, also seeks family pension with respect to the services rendered by her husband Late.N.Chinnasamy, who had been appointed in Dharmapuri Municipality, brought into regular service by an order dated 27.07.2000. The petitioner herein also claims family pension since her husband had died and as a result of clarification letter dated 08.03.2023, the family pension would be payable to the petitioner herein.

4. The petitioner in W.P.No.24639 of 2019 – P.Akila, is also similarly placed and claims family pension consequent to the services rendered by her husband Late.C.Perumal, who was appointed on daily wages in Dharmapuri Municipality and finally, brought into regular service by an order dated 27.07.2000.



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Consequent to the clarification letter dated 08.03.2023, the family pension would be payable to the petitioner herein. With respect to this petitioner, the learned Special Government Pleader, stated that they were not aware about the death of the husband of the petitioner herein. In the affidavit filed in support of the writ petition, it is seen that the husband of the petitioner C.Perumal, died while in service on 16.10.2016. The respondents may taken note of that particular fact.

5. In view of the above reasons, all the writ petitions stand allowed and a direction is issued to the respondents to issue necessary proceedings, to grant family pension to the petitioners consequent to the services rendered by the respective husbands of the petitioners, within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Connected miscellaneous petition is closed.

14.09.2023

Index:Yes/No
Neutral Citation:Yes/No
ssm



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C.V.KARTHIKEYAN,J.

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