



W.P.No.31596 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03..07..2023

Coram

THE HON'BLE MR JUSTICE N.SATHISH KUMAR

Writ Petition No.31596 of 2022

P.Uma

..... Petitioner

-Versus-

- 1.The Secretary to Government,
Municipal Administration and Water Supply
Department,
Chennai 600 009.
- 2.The Director of Town Panchayat,
M.R.C. Nagar, Chennai 600 028.
- 3.The Executive Officer,
Chengam Selection Grade Town Panchayat,
Thiruvannamalai District.

..... Respondents

Petition filed under Article 226 of The Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to consider and pass appropriate orders on the representation of the petitioner dated 06.07.2022 regarding sanction of arrears of pension / family pension as per Rule 49(2) of the Tamil Nadu Pension Rules and Leave Salary, General Provident Fund, Special Provident Fund and other terminal / retirement benefits and in light of the orders of this court in W.P.No.15422 of 2010 dated 07.11.2016.



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For Petitioner : *Mr.A.Baskaran*
For Respondents : *Mr.P.Baladhandayutham,*
Spl. Government Pleader
for RR1 and 2
Mr.R.L.Karthika,
Government Advocate
for R3

ORDER

This writ petition has been filed seeking a writ in the nature of mandamus, directing respondents to consider the representation of the petitioner dated 06.07.2022 with respect to sanction of arrears of pension / family pension as per Rule 49(2) of the Tamil Nadu Pension Rules and Leave Salary, General Provident Fund, Special Provident Fund and other terminal / retirement benefits in accordance with law and in the light of the orders of this court in W.P.No.15422 of 2010 dated 07.11.2016 and pass appropriate orders thereof.

2. The case of the petitioner is that her husband – Pichandi was appointed as Sweeper on consolidated pay of Rs.900/- per month by the 3rd respondent on 25.01.1998 and he joined duty at Chengam Selection Grade Town Panchayat on 27.05.1998. He should have been appointed on regular time scale of pay on completion of three years i.e., w.e.f. 27.05.2001 as per G.O.Ms.No.84, Municipal Administration and Water Supply Department, dated



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21.05.1998. He died while he was in service 09.04.2004. However, he was appointed on regular time scale of pay w.e.f. 23.06.2006 based on G.O.Ms.No.60, Municipal Administration and Water Supply Department, dated 23.06.2006. She filed a writ petition in W.P.No.25376 of 2012 seeking regular time scale of pay to her husband from the date of completion of three years of service on consolidated pay. The said writ petition was allowed by this court by order dated 03.10.2013 and regular time scale was allowed from the date of completion of three years of service on consolidated pay. Accordingly, arrears of pay were paid. According to the petitioner, as per Rule 49 (2) of the Tamil Nadu Pension Rules, she is entitled for family pension and arrears. The grievance of the petitioner is that her request for family pension and arrears of family pension have not been considered and hence, this writ petition.

3. A detailed counter has been filed by the 3rd respondent meeting out each and every contentions of the petitioner raised in the writ petition. However, it is specifically stated that the petitioner's husband was not eligible for full pension under old pension scheme and the request of petitioner for family pension is under process. In the last paragraph of the counter, it has been stated as under:

“The request of the petitioner dated 29.08.2002, seeking Family Pension, has been under process in



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accordance with rules. The respondent would comply with rules if the petitioner is eligible for the family pension under the New Pension Scheme after submitting the proposal to the Local Fund Audit, subject to submission of required documents from the petitioner side and it shall be decided on the report from the Local Fund Audit.”

4. In the light of the above, this court, without going into the merits and demerits of the case, directs that the respondents to pass appropriate orders on the representation of the petitioner dated 06.07.2022 for arrears of pension and family pension as per Rule 49(2) of the Tamil Nadu Pension Rules, Leave Salary, GPF, SPF and other terminal / retirement benefits on merits and in accordance with law within a period of two months from the date of receipt of a copy of this order.

In the result, the writ petition is disposed of accordingly with the above directions. No costs.

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Index : yes / no
Neutral Citation : yes / no
Speaking / Non Speaking Order
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To

1.The Secretary to Government,
Municipal Administration and Water Supply



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Department,
Chennai 600 009.

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- 2.The Director of Town Panchayat,
M.R.C. Nagar, Chennai 600 028.
- 3.The Executive Officer,
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N.SATHISH KUMAR.J.,

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