



W.P.(MD)No.326 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.01.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.326 of 2023

Rangammal

... Petitioner

Vs.

1. The Accountant General,
Teynampet,
Chennai - 600 018.

2. The State,
Represented by The Government Secretary,
Finance (Pension) Department,
Secretariat,
Chennai - 600 009.

3. The District Collector,
Trichy,
Trichy District,

4. The Tahsildar,
Manapparai,
Trichy District.

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents to disburse the petitioner's deceased husband's family pension with arrear by fixing the revised basic from the year of 2016 to the petitioner based on her representation dated 28.11.2022.

For Petitioner : Mr.NA.Palaniyandi
For Respondents : Mrs.S.Mahalakshmi for R1
Mr.S.P.Maharajan
Spl. Govt. Pleader for R2 to R4

ORDER

This Writ Petition has been filed to direct the respondents to disburse the petitioner's deceased husband's family pension with arrear by fixing the revised basic from the year of 2016 to the petitioner based on her representation, dated 28.11.2022.

2. The case of the petitioner is that the petitioner's husband was temporarily joined as a Thalaiyari (Village Assistant) in the year 1974 and thereafter, he was placed in the permanent post of Thalaiyarai (Village Assistant) vide proceedings of the fourth respondent, dated 13.06.1975.



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Based on the Government Order in G.O.(MS)No.625, Revenue Department, dated 06.07.1995, he was placed as Regular Full Time Employment and he retired from service on 30.04.2009. At that time, the monthly pension was fixed as Rs.1,232/- to him. In the meantime, the petitioner's husband died on 01.06.2022 due to his illness. As per the Government Order in G.O.(Ms)No. 313, Finance (Pay Cell) Department, dated 25.10.2017, the pension / family pension was refixed with effect from 01.01.2016. In order to avail such benefits, the petitioner has made a representation to the respondents 3 and 4 on 28.11.2022. But, till date, no order was passed. Therefore, the petitioner has filed the present Writ Petition with the aforesaid prayer.

3. The learned counsel appearing for the petitioner would submit that, it would suffice, this Court may issue a direction to the fourth respondent to forward the pension proposal of the petitioner, dated 28.11.2022 to the jurisdictional Treasury Officer enabling the jurisdictional Treasury Officer to forward the same to the first respondent, within a specific period.



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4. The learned Special Government Pleader appearing for the respondents would submit that if the fourth respondent forwarded the pension proposal to the jurisdictional Treasury Officer, thereafter, the jurisdictional Treasury Officer shall forward the same to the first respondent for passing appropriate orders.

5. Considering the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the matter, directs the fourth respondent to forward the pension proposal of the petitioner, dated 28.11.2022 to the jurisdictional Treasury Officer within a period of four weeks from the date of receipt of a copy of this order. The petitioner shall send a copy of the pension proposal along with the copy of this order enabling the fourth respondent to forward the same. On receipt of such proposal, the fourth respondent shall forward the same to the first respondent, who shall, on receipt thereof, consider the same and pass appropriate orders, on merits and in accordance with law within a period of twelve weeks thereafter.



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6. With the above direction, this Writ Petition is disposed of. No

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costs.

06.01.2023

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

vji



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To

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2. The Government Secretary,
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M.DHANDAPANI,J.

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