



W.P(MD)No.7136 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 12.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7136 of 2023

M.Vasanthakumari

... Petitioner

Vs.

1.The Commissioner,
HR & CE Department,
Chennai.

2.The Joint Commissioner,
HR & CE Department,
Tirunelveli.

3.The Assistant Commissioner / Executive Officer,
Arulmigu Thirumalai Kumaraswamy Thirukoil,
Senkottai Taluk,
Tirunelveli District.

4.The Joint Commissioner,
HR & CE Department,
Tenkasi.

5.The Assistant Commissioner,
HR & CE Department,
Tenkasi.

(R4 & R5 are suo motu impleaded
by this Court vide order dated 12.06.2023)

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to disburse the family pension payable to the petitioner from the date of death of her husband ie., from 01.07.2015 till date together with appropriate interest and further continue to pay monthly family pension to the petitioner in the future also.

For Petitioner : Mr.S.Anwar Sammem

For Respondent : Mr.C.Baskaran
Government Advocate for R1 & R2
: Mr.S.Manohar for R3
: Mr.C.Baskaran for R4 & R5

ORDER

Heard the learned counsel on either side.

2.The petitioner's husband Murugaiah was appointed as maniyam in the respondent temple in the year 1981. He was then holding the post of Head Clerk. He retired on 31.01.2015. He passed away on 01.07.2015. Before pension was sanctioned, the petitioner applied for family pension. Family pension was made payable for the legal heirs of deceased temple employees vide G.O.Ms.No.285 dated 14.12.2015. Subsequently, the Government of Tamil Nadu issued G.O.Ms.No.77, Tourism, Culture, Religious & Endowment Department dated 19.03.2020 clarifying that family members of the employees would be entitled to



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family pension even if the employee died prior to 14.12.2015. Therefore, the writ petitioner would be entitled to family pension.

3. It is submitted by the learned counsel for the temple that proposal has already been submitted to the Assistant Commissioner, HR & CE Department, Tirunelveli on 20.05.2018. In view of bifurcation, the file must obviously be with the Assistant Commissioner, HR & CE Department, Tenkasi. Even if I assume that the file is not available, it shall be reconstructed and proposals shall be processed and forwarded to the Commissioner of HR & CE Department, Chennai within ten weeks from the date of receipt of a copy of this order. The first respondent shall sanction family pension and also disburse the arrears payable to the petitioner within a period of eight weeks thereafter. The petitioner shall cooperate in the process.

4. The Writ Petition is allowed on these terms.

12.06.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
rmi

G.R.SWAMINATHAN, J.



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HR & CE Department,
Chennai.
- 2.The Joint Commissioner,
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