



W.P(MD)No.25701 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.10.2023**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.25701 of 2022

S.Gomathi

... Petitioner

Vs.

1.The Member Secretary,
Pension Grievance Cell,
New Building, High Court,
Chennai-104.

2.The Director of Municipal Administration,
Office of the Directorate of Municipal Administration,
Chepauk,
Chennai-05.

3.The Director,
Local Fund Audit Department,
Chennai.

4.The Assistant Director,
Local Fund Audit Department,
Tirunelveli.

5.The Commissioner,
Colachel Municipality,
Kanyakumari District.

... 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, directing the 1st respondent to pass an order in the appeal preferred by the 5th respondent in Na.Ka.No.2091/H1/2011, dated 06.09.2021 and further to direct respondents 2 and 3 to sanction the death cum retirement benefits and family pension of the petitioner's husband A.Manikandan.

For Petitioner : Mr.V.Angusamy

For R1-R4 : Mr.J.Ashok
Additional Government Pleader

For R5 : Mr.A.K.Manikkam

ORDER

The husband of the writ petitioner, namely Manikandan was appointed as a Sanitary Worker in the 5th respondent Municipality on 05.05.1998 on a consolidated pay. Before his services were regularized, the said Manikandan had passed away on 22.11.2012. After his death, the 5th respondent herein has passed an order on 21.07.2014 regularizing his services with effect from 31.12.2001. According to the petitioner, since the services of the deceased Manikandan were regularized from the year 2001, he is eligible for regular pension under the Old Pension Scheme. The 5th respondent herein has also recommended the same to the 1st respondent on 06.09.2021 and 02.05.2022. So far, the 1st



W.P(MD)No.25701 of 2022

respondent has not disposed off the said recommendation. Hence, this writ petition has been filed seeking a Mandamus to direct the respondents 2 and 3 to sanction DCRG and family pension due to the death of her husband Manikandan.

2. Considering the fact that the 5th respondent has recommended for the conferment of benefits upon the deceased Manikandan by his recommendations, dated 06.09.2021 and 02.05.2022, the 1st respondent is directed to consider the recommendations made by the 5th respondent on 06.09.2021 and 02.05.2022 with regard to the conferment of benefits upon the deceased Manikandan, who was working as Sanitary Worker in the 5th respondent Municipality within a period of eight (8) weeks from the date of receipt of a copy of this order on merits and in accordance with law.

3. With the above said observations, this writ petition stands allowed to the extent as stated above. No costs.

03.10.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR ,J.

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Order made in
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