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W.P.No.3022 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.02.2024

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THE HONOURABLE **MR. JUSTICE G.K.ILANTHIRAIYAN**

W.P.No.3022 of 2024

K.Vasuki

...Petitioner

Vs.

1. The Principal Secretary to Government,
Revenue Department,
Secretariat,
Chennai 600 009

2. The Accountant General,
Office of the Accountant General(Accounts & Settlement),
No.361, Anna Salai,
Chennai-600 018.

3. The District Collector,
Nagapattinam District

4.The Tahsildar,
Thirukuvalai Taluk,
Nagapattinam District

...Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus directing the second respondent herein to sanction and pay death gratuity payable to the petitioner on the death of the petitioner's husband late C.Kumarasamy who died on 28.09.2010 while in service as Village Assistant.

For Petitioner

: Mr.C.Santhosh Kumar



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ORDER

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This writ petition has been filed for direction to the second respondent to sanction and pay the petitioner's husband's death gratuity.

2. The petitioner's husband was working as Village Assistant and died on harness on 28.09.2010 leaving behind the petitioner as his wife, two sons, his father and mother. Thereafter, the petitioner applied for pensionary benefits and she was disbursed with pensionary benefits along with family pension. However, so far death cum retirement gratuity benefits have not been disbursed to the petitioner. Therefore, the petitioner submitted representation.

3. On perusal of records, revealed that the admissibility of death cum retirement gratuity to Village Assistant those who died in harness has not yet been clarified by the Government and as such, they are awaiting clarification from the Government.

4. The learned counsel for the petitioner would submit that this Court in WP.No.12215 of 2011 in respect of similarly placed persons by order dated 21.06.2011, held as follows:



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4. According to the petitioner, she has submitted several representations and the last representation was submitted to the third respondent on 06.09.2010 and the third respondent has not sent the proposal for sanctioning the Death cum Retirement Gratuity to the second respondent till date. Hence, she filed this Writ Petition. Rule 8(i) of the Tamil Nadu Village Assistants Pension Rules, 1995 reads as follows:

"8.(i) A Village Assistant, who has completed 5 years of qualifying service and has become eligible for service gratuity on his retirement be granted death cum retirement gratuity at the rate of 1/4th of emoluments for each completed six months period of qualifying service, subject to a maximum of 16 ½ time of monthly emoluments plus special pension of Rs.150/- per month with attendant benefits."

5. Therefore, the second respondent is directed to consider the claim of the petitioner and pass appropriate orders in the light of the above judgment within a period of four weeks from the date of receipt of copy of this order.



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6. With the above direction, this writ petition is disposed of.

There shall be no order as to costs.

12.02.2024

Internet: Yes

Index: Yes/No

Speaking/Non-speaking order
lok



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To

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G.K.ILANTHIRAIYAN, J.

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