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W.P.No.4014 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.11.2024

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.4014 of 2024
and
W.M.P.No.4337 of 2024

D.Meenambal

... Petitioner

..Vs..

1. The State of Tamil Nadu,
Rep.by its Additional Chief Secretary,
Municipal Administration and Water Supply Department,
Fort St. George, Chennai – 600 009.
2. The Assistant Director of Town Panchayat,
Dharmapuri Zone, Dharmapuri – 636 705.
3. The Treasury Officer,
District Treasury, Madurai.
4. The Accountant General (A & E),
Anna Salai, Chennai – 600 018.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue Writ of Certiorarified Mandamus, calling for records relating to the third respondent's proceedings made in Na. Ka. No. 5776/2023/K2 dated 05.02.2024, to quash the same and to consequently direct the respondents to forthwith settle all the terminal and retiral benefits inclusive of pension and family pension as per G.O. (D) No. 89 MAWS



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Department dated 02.03.2023 as quantified therein and to continue to pay the family pension with accrued interest thereon.

For Petitioner : Ms. N.R.Jasmine Padma
For Respondents : Dr. T.Seenivasan,
Special Government Pleader
(for R1 & R2)
Mr. Abishek Murthy,
Government Advocate (for R3)
Mr. P.Manorajan,
Standing Counsel (for R4)

ORDER

Heard Ms. N.R.Jasmine Padma, the learned counsel for the petitioner, Dr. T.Seenivasan, the learned Special Government Pleader appearing for the first, second and fourth respondents and Mr. Abishek Murthy, learned Government Advocate appearing for the third respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. This Writ Petition has been filed challenging the order dated 05.02.2024 and had for consequential direction to the respondents to forthwith settle all the terminal and retiral benefits inclusive of pension and family pension as per G.O. (D) No. 89, MAWS Department, dated



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02.03.2023 as quantified therein and to continue to pay the family pension with accrued interest thereon.

3. The Second Respondent has filed a compliance affidavit dated 25.09.2024 stating as follows:-

“3. It is submitted that the petitioner's husband worked as Assistant Director of Town Panchayat, Dharmapuri Zone, attained superannuation on 31.07.2014, however suspended from service and retaining in service, due to pendency of disciplinary proceedings in Na. Ka. No. 4271/2013/A4, dated 28.09.2013. The departmental inquiry concluded in award of punishment of dismissal from service in G.O. (D) No. 338, Municipal Administration and Water Supply Department, dated 27.08.2019. However, the same was reduced as compulsory retirement based on the directions of this Court in W.P.No.31437 of 2019, dated 10.12.2021 vide G.O. (D) No. 76, dated 04.03.2022. The petitioner's husband expired on 22.05.2021 while the above judicial review was pending.

4. It is submitted that the service benefits of the petitioner's husband from the Town Panchayat was settled in accordance with rules and the proposal for



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family pension was submitted to the fourth respondent. However, the second respondent while issuing No objection to the final order for sanctioning pension, inadvertently informed that the employee was issued with compulsory retirement with effect from 04.03.2022, and as such the subsistence allowance drawn from the date of superannuation to the date of compulsory retirement to be adjusted. Therefore, there was delay in sanctioning family and settling related benefits.

5. It is submitted that the above issue was clarified and appropriate final orders were passed by the third respondent in Na. Ka. No. 5776/2023/K2, dated 05.04.2024, sanctioning family pension Rs.28,893/- and arrears in PPO No. D1225728. The arrears and one time settlement amounting to Rs.16,18,384/- was paid to the petitioner. The petitioner has also acknowledged the same and given in writing that she has received the eligible service benefits, without any dues.

6. It is submitted that the relief sought by the petitioner has been granted and as such the Writ Petition became infructuous. Therefore, this Court may be pleased to record the above and pass appropriate orders in the interest of justice.”



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In view of the same, nothing remains for further consideration in the Writ

Petition.

4. In the result, this Writ Petition is dismissed as infructuous.

Consequently, the connected Miscellaneous Petition is closed. No costs.

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Index : Yes/No

Internet : Yes/No

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To

1. The Additional Chief Secretary,
The State of Tamil Nadu,
Municipal Administration and Water Supply Department,
Fort St. George, Chennai – 600 009.
2. The Assistant Director of Town Panchayat,
Dharmapuri Zone, Dharmapuri – 636 705.
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V.BHAVANI SUBBAROYAN,J.

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