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Writ Petition No.5579 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2024

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THE HONOURABLE MR. JUSTICE BATTU DEVANAND

Writ Petition No.5579 of 2018
& WMP No.6902 of 2018

M.Kasthuri

..Petitioner

vs.

1.The Government of Tamilnadu,
rep. by its Principal Secretary to Government,
Social Welfare and Nutritious
Meal Programme Department,
Fort St George,
Chennai-600 009

2.The Commissioner and Director of Social Welfare,
No.1, Panagal Maligai Building 2nd Floor,
Jeenis Road,
Saidapet, Chennai-600 015

3.The District Social Welfare Officer,
Tiruvannamalai District,
Tiruvannamalai.

4.The Principal Accountant General of Tamilnadu,
(Accounts and Entitlements),
no.361, Anna Salai,
Chennai-600 018

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of



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India, praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the 3rd respondent made in Na.Ka.No.753/A1/2016 dated 07.10.2016 and quash the same and direct the respondents to grant pension to the petitioner by counting 50% of the petitioner's services rendered on Honorarium before her absorption/appointment as Rural Welfare Officer(Women) along with the service rendered in the permanent post of Rural Welfare Officer (Women) based on G.O.Ms.No.6, Social Welfare and Nutritious Programme (NMS2) Department, dated 06.01.2010, with all consequential benefits including the arrears of pension and incentive increments for her higher qualification of M.A. Degree.

For Petitioner : Mr.A.S.Kaizer

For Respondents : Mr.P.S.Raman, AG assisted by
Mr.Jeeva Giridharan, AGP

ORDER

This Writ Petition has been filed seeking for issuance of a Certiorarified Mandamus, to call for the records relating to the impugned order of the 3rd respondent made in Na.Ka.No.753/A1/2016 dated 07.10.2016 and quash the same and direct the respondents to grant pension to the petitioner by counting 50% of the petitioner's services rendered on Honorarium before her absorption/appointment as Rural Welfare Officer(Women) alongwith the service rendered in the permanent post of



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Rural Welfare Officer(Women) based on G.O.Ms.No.6, Social Welfare and Nutritious Programme(NMS2) Department, dated 06.01.2010, with all consequential benefits including the arrears of pension and incentive increments for her higher qualification of M.A. Degree.

2.Heard the learned counsel for the petitioner and Mr.P.S.Raman, learned Advocate General assisted by Mr.Jeeva Giridharan, learned Additional Government Pleader appearing for the respondents and I have carefully perused the entire material available on record.

3.During the course of hearing, learned Additional Government Pleader appearing for the respondents would submit that an identical issue was already dealt with by this Court vide order dated 03.12.2019 in WA.Nos.158, 314 of 2016 and etc batch and as such, he submits that the petitioner is not entitled for the relief sought for in this Writ Petition.

4.On the other hand learned counsel for the petitioner would submit that he is restricting the relief sought in this Writ Petition, if similar order is passed in the present Writ Petition, which was passed by the Madurai Bench



of this Court in WP.(MD)No.1459 of 2021 and he has also placed a copy of the order passed in WP.(MD)No.1459 of 2021 dated 13.03.2024 before this Court.

5.The relevant paragraphs of the said order are extracted herein under:

“9. According to the learned counsel for the petitioners, though the Government has taken into consideration all these factors into consideration and issued G.O.Ms.No.41, dated 29.08.2019, the respondent-Government failed to take note of the fact that the award of Rs.2,000/- as special pension is too low and is totally insufficient to meet the basic needs of the petitioners herein, who have rendered more than three decades of service. Hence, learned counsel for the petitioners seeks indulgence of this Court to permit the petitioners to approach the respondent-Government seeking for enhancement of the special pension awarded under G.O.Ms.No.41, dated 29.08.2019, especially in the context of the fact that similarly situated persons are extended the benefit under Rule 11(2)(iv) of the Tamil Nadu Pension Rules. This aspect of the matter would definitely well within the domain of the Government and the Government is free to take decision basing upon the facts.

10. In the light of the above, this Writ Petition is



disposed of permitting the petitioners to submit a representation for enhancement of special pension awarded under G.O.Ms.No.41, Social Welfare and Nutritious Meal Department, dated 29.08.2019 within a period of four weeks from the date of receipt of a copy of this order and on submission of such representation, the respondent-Government shall consider the same by duly taking into consideration the length of service rendered by the petitioners, the cost of living and all relevant factors as may be raised by the petitioners in a representation and pass appropriate orders as expeditiously as possible, at any rate, within a period of four months thereafter. It is desired that the respondent-Government would consider the case of the petitioners on sympathetic ground and may also make a provision for enhancement of such pension from time to time depending upon the inflation as and when revision of pay takes place. No costs.”

6.Considering the restricted relief sought for by the learned counsel for the petitioner and in view of the facts and circumstances of the case and to meet the interest of justice, this Court intends to pass the similar order.

7.Accordingly, this Writ Petition is disposed of, with the following directions:



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(i) Writ Petition is disposed of permitting the petitioner to submit a representation for enhancement of special pension awarded under G.O.Ms.No.41, Social Welfare and Nutritious Meal Department, dated 29.08.2019 within a period of four weeks from the date of receipt of a copy of this order;

(ii) On submission of such representation, the respondent-Government shall consider the same by duly taking into consideration the length of service rendered by the petitioner, the cost of living and all relevant factors as may be raised by the petitioner in a representation and pass appropriate orders as expeditiously as possible, at any rate, within a period of four months thereafter.

(iii) No costs.

(iv) Consequently, connected miscellaneous petition is closed.

29.10.2024

Index : Yes/No

Speaking order: Yes/No

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To

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rep. by its Principal Secretary to Government,
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BATTU DEVANAND, J

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