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W.P.No.12589 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2024

CORAM

THE HON'BLE **MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P.No.12589 of 2024

S. Neela

... Petitioner

Vs.

1. The State of Tamil Nadu
Rep.by its Principal Secretary to Government,
Rural Development and Panchayat Raj Department,
Secretariat, Fort St.George,
Chennai 600 009.
2. The Director of Rural Development and Panchayat Raj
Panagal Maaligai, Saidapet,
Chennai 600 015.
3. The District Collector,
Villupuram District,
Villupuram.
4. The Additional Director/Project Director,
District Rural Development Agency,
Villupuram District,
Villupuram.
5. The Accountant General (A&E) Tamil Nadu,
O/o.The Principal Accountant General (A&E) Tamil Nadu
No.361, Anna Salai,
Chennai 600 018.

...

Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus directing the respondents to pass orders for granting service benefits and retiral/terminal benefits payable to the petitioner's husband late K.Sadasivam, Block Development Officer (BP), Vanur Panchayat Union, Villupura District, died on 04.07.2021 including the Family Pension to the petitioner along with interest in consideration of representation submitted by the petitioner dated 04.09.2023 within the time frame fixed by this Court.

For Petitioners : Mr.R.Maanav

ORDER

This writ petition is filed for a mandamus to direct the respondents to pass orders for granting service benefits and retiral/terminal benefits payable to the petitioner's husband late K.Sadasivam, Block Development Officer (BP), Vanur Panchayat Union, Villupura District, died on 04.07.2021 including the Family Pension to the petitioner along with interest in consideration of representation submitted by the petitioner dated 04.09.2023.

2. The case of the petitioner is that the petitioner's husband was



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suspended from service and was facing departmental proceedings. He attained the age of superannuation with effect from 30.09.2015, however the petitioner's husband died on 04.07.2021 while proceedings were pending. Since the petitioner's husband died before the culmination of departmental proceedings the petitioner is entitled for payment of all service benefits as well as family pension.

3. The learned Additional Government Pleader appearing for the respondents 1 to 4 produced the proceedings of the Director of Rural Development and Panchayat Raj, Chennai dated 09.05.2024, wherein it is stated that treating the disciplinary proceedings as against the petitioner's husband as abated. As a consequence thereof, the learned Additional Government Pleader submitted that due steps will be taken to sanction and grant all the retirement benefits that are due to the petitioner's husband and after the date of death of the petitioner's husband the family pension will also be sanctioned and paid in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

4. In view of the above submission, the writ petition is disposed of on



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the following terms:-

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1. since the disciplinary proceedings against the petitioner's husband are treated as abated by order dated 09.05.2024, the respondents shall pass further orders by notionally permitting the petitioner's husband to retire from service as on date of his retirement and pay all the retirement benefits and arrears of pension and also further sanction the family pension with effect from the date of death of the petitioner's husband.

2. all the arrears due to the petitioner shall be paid within a period of 12 weeks from the date of receipt of a copy of this order

3. if the arrears are not paid within a period of twelve weeks from the date of receipt of a copy of this order, thereafter the same shall carry 6% interest p.a. from the date on which the amount became due till the date of disbursement. No costs.

03.06.2024

Neutral Citation: Yes/No
dpq



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To

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D.BHARATHA CHAKRAVARTHY, J.

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W.P.No.12573 of 2024

and

W.M.P.Nos.13730, 13732, 13733 and 13734 of 2024

03.06.2024