



WEB COPY

W.P.No.15701 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2024

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.15701 of 2019

1. D.Kumaresan
 2. S.Rajalakshmi ... Petitioners
- [P2 substituted as Legal Representative of the deceased sole petitioner
vide order dated 24.11.2022 made in W.M.P.No.16728 of 2022]

Vs.

1. The Government of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Rural Development & Panchayat Raj Department,
Fort St. George, Chennai – 600 009.
2. The Director of Rural Development & Panchayat Raj,
Panagal Building, Saidapet, Chennai – 600 015.
3. The Director of Local Fund Audit,
Kuralagam, Chennai – 18.
4. The District Collector,
Tiruvannamalai, Tiruvannamalai District.
5. The Commissioner, Arani Panchayat Union,
Tiruvannamalai. ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to pay the pensionary benefits and other attended benefits by reckoning the total length of service put in by the petitioner in the cadre of Office Assistant from 03.09.1986 till



28.02.2018.

W.P.No.15701 of



For Petitioner : Mr.T.Hemalath
For Respondents : M/s.E.Ranganayaki,
Additional Government Pleader
ORDER

This Writ Petition has been filed seeking a writ of mandamus to direct the respondents to pay pensionary benefits and other attendant benefits by reckoning the total length of service put-in by the petitioner in the cadre of 'Office Assistant' from 03.09.1986 till 28.02.2018 on which date the petitioner retired from service on attaining the age of superannuation.

2. In response to the notice issued by this Court, the 3rd respondent filed a counter-affidavit stating as follows:-

“2. In the instant case the requirement is to produce any one of the documents of the Government Order / Employment exchange order / Resolution of the appointment Committee. These documents need to be furnished by the 5th Respondent Commissioner of Arani Panchayat Union. But the office of the 3rd respondent has not received any of the documents from the commissioner so far.

3. In view of these, this respondent is not in a position to grant any relief as prayed by petitioner.

4. If any one of above documents be furnished by 5th respondent, the eligible pension will be



sanctioned by this respondent to the petitioner in accordance with rules.”

However, the 5th respondent has not chosen to file any counter-affidavit.

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3. During the pendency of the Writ Petition, the original writ petitioner died and accordingly, his wife is brought on record as 2nd petitioner, being the Legal Representative, who is also entitled to claim family pension.

4. Today, when the matter is taken up for consideration, Tmt.Ranganayaki, learned Additional Government Pleader appearing for the respondents submitted that the 5th respondent will take appropriate steps to comply with the requirement of submitting the documents as required by the 3rd respondent.

5. Considering the above submissions, the Writ Petition is disposed of directing the 5th respondent to submit all necessary documents as may be required by the 3rd respondent as expeditiously as possible at any rate within a period of four weeks from the date of receipt of a copy of this order and on submission of such documents by the 5th respondent, the 3rd respondent shall



consider the proposals already submitted by the 5th respondent for payment of pension arrears of the deceased 1st petitioner, family pension and family pension arrears and other terminal benefits to the 2nd petitioner by passing appropriate orders thereon in accordance with law within a period of six weeks from the date of receipt of documents from the 5th respondent.

31.07.2024

skr

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To

1. The Principal Secretary to Government of Tamil Nadu,
Rural Development & Panchayat Raj Department,
Fort St. George, Chennai – 600 009.
2. The Director of Rural Development & Panchayat Raj,
Panagal Building, Saidapet,
Chennai – 600 015.
3. The Director of Local Fund Audit,
Kuralagam, Chennai – 18.
4. The District Collector,
Tiruvannamalai,
Tiruvannamalai District.
5. The Commissioner,
Arani Panchayat Union,
Tiruvannamalai.



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MUMMINENI SUDHEER KUMAR, J.

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