



W.P.No.19630 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2024

CORAM

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

W.P.No.19630 of 2024

S.Palaniammal

... Petitioner

-Vs-

1. The Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat,
Chennai – 600 009.
2. The Director of Medical and Rural
Health Services,
Chennai – 600 006.
3. The Director of Public Health and
Preventive Medicine,
Chennai – 600 006.
4. The Principal Accountant General,
Chennai – 600 018.
5. The Deputy Director of Health Services,
Namakkal.
6. The Treasury Officer,
Namakkal District,
Namakkal.

... Respondents



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Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the respondents to issue service benefits and other Pensionery benefits to the petitioner on the basis of the petitioner's representation dated 15.02.2022 within a stipulated time framed by this Hon'ble Court.

For Petitioner : Mr.M.N.Kathir

For R1 to R3
and R5 : Mr.M.Brindan
Additional Government Pleader

For R4 : Mr.V.Vijayashankar

For R6 : Mr.V.P.R.Elamparithi
Additional Government Pleader

ORDER

This Writ Petition has been filed for direction directing the respondents to issue service benefits and other Pensionery benefits to the petitioner on the basis of the petitioner's representation dated 15.02.2022 within a stipulated time framed by this Hon'ble Court.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioner's husband was appointed as Assistant Surgeon under 10(a)(i) of the General Rule for Tamil Nadu State and Subordinate Service. His



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probationary period was also declared. While being so, he was unauthorizedly absent and as such, he was issued with a charge memo under Section 17B of the Tamil Nadu Civil Service (Disciplinary and Appeal) Rules. Pending charges, the petitioner's husband died on 16.09.2014. Thereafter, the petitioner submitted representation seeking service benefits of her deceased husband. However, the petitioner failed to produce any documents to show that the service of the petitioner's husband was regularized, since the petitioner's husband was appointed under 10(a)(i) of the General Rule for Tamil Nadu State and Subordinate Service. Therefore, the petitioner's husband is not entitled for any death-cum-retirement benefits.

4. If the petitioner produces any document to show that the service of the petitioner's husband was regularized, the respondents are directed to consider the claim of the petitioner.

5. With the above directions, this writ petition is disposed of. There shall be no order as to costs.

19.07.2024

Internet : Yes
Index : Yes/No
Speaking/Non Speaking order
Neutral Citation: Yes/No
mn



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G.K.ILANTHIRAIYAN, J.

mn

To

1. The Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat,
Chennai – 600 009.
2. The Director of Medical and Rural
Health Services,
Chennai – 600 006.
3. The Director of Public Health and
Preventive Medicine,
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