



W.P.No.5782 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.08.2024

CORAM :

**THE HONOURABLE DR.JUSTICE ANITA SUMANTH
and
THE HONOURABLE MR.JUSTICE G. ARUL MURUGAN**

W.P.No.5782 of 2020

Sarojini

.. Petitioner

VS

1.The Air Commodore,
Air Force Station,
Tambaram Chennai - 46.

2.The Union of India,
Rep. by its Secretary,
M/o Defence, New Delhi.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus, calling for the records relating to O.A.No.310/01165/2016 dated 23.03.2018 on the file of the Central Administrative Tribunal, Madras bench and to quash the same consequently directing the respondents to grant arrears of salary, Retirement Benefits and pension and discharge certificate.

For Petitioner : Mr.B.Gandhi
for Mr.A.Visakan

For Respondents : Mr.V.Ashok Kumar,
Central Government Standing Counsel



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ORDER

(Order of the Court was made by Dr.ANITA SUMANTH..J)

The petitioner's husband had been appointed as a saffaiwala in the Airport Station, Tambaram on 03.08.1971 and his services had been terminated from that Station in the year 1991. He had challenged the order of dismissal before the Central Administrative Tribunal (CAT), which was of the view that his case would be better pleaded before the Appellate Authority under the concerned Service Rules.

2.The Original Application bearing No.372 of 1992 had been disposed on 14.03.1993 and the petitioner's husband made a representation on 20.06.1997 before the Authorities which came to be rejected on 21.04.1998. That order of rejection has attained finality and has not been challenged. With that, the dismissal of the petitioner's husband from service stands confirmed and all claims for pension and other pensionary benefits would have to be decided consequently.

3.The petitioner's husband passed away on 03.01.2013 and a little over three years thereafter, the petitioner made a representation on 01.05.2016 claiming various benefits based on her husband's



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employment with the respondent.

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4. Aggrieved by the inaction of the respondent to her representations, the petitioner filed yet another Original Application before the Tribunal seeking a direction to the respondents to pay arrears of salary, retirement benefits and pension to her deceased husband.

5. The O.A.s came to be dismissed on 23.03.2018 on the ground that, with the dismissal of petitioner's husband from service in 1991, such dismissal having attained finality, there was no merit in the claim of the petitioner, for pension or any other service related benefits.

6. We find no infirmity in the conclusion arrived at by the Tribunal. Before us, learned counsel for the petitioner would only re-agitate the claim once again, urging that the long service of the petitioner's husband between August 1971 and his dismissal in 1991 be taken note of. The period of service as aforesaid would have no bearing on the issue to be decided, as the grant of service benefits would be fully dependent and consequent upon the grant of pension to the deceased himself.

7. In the light of the admitted fact that the claim of the petitioner's husband for pension had been negated as early as on 21.04.1998, such order having attained finality, the order of Tribunal dated 23.03.2018 is



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sustained.

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8.This writ petition is dismissed. No costs.

[A.S.M., J] [G.A.M., J]
29.08.2024

Index:Yes/No

Neutral Citation:Yes

vs

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