



WEB COPY



W.P.No. 5455 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.5455 of 2024

T.K.Jayalakshmi

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Petitioner

Vs

1. The Union Territory of Puducherry,
represented by the Secretary to Government,
Local Administration Department,
Puducherry – 605 001.

2. The Director,
Local Administration Department,
Puducherry – 605 001.

3. The Commissioner,
Mahe Municipality,
Mahe – 673 310,
Union Territory of Puducherry.

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Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to sanction appropriate pension to the petitioner by taking appropriate administrative action with effect from 01.06.2017.

For Petitioner : Mr.P.Mohanraj

For Respondents : Mr.R.Sreedhar
Additional Government Pleader



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ORDER

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This Writ Petition has been filed for a direction directing the respondents to consider the representation submitted by the petitioner seeking pension.

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

3. The petitioner retired from service on 31.05.2017 as Gardener in the third respondent Municipality. She was appointed on compassionate ground on 19.12.2003 after the demise of her husband on 05.02.2023, while he was in service. The vacancy arose as on 04.04.2001 itself. Thereafter, the petitioner retired from service on 31.05.2017. After a period of seven years from her retirement, the petitioner submitted a representation seeking appropriate pension.

4. Admittedly, the petitioner's husband died on 05.02.2003. Thereafter, the petitioner was appointed on compassionate ground on 09.12.2004. New Pension Scheme has come into force from 01.04.2004. Therefore, the petitioner is not entitled for any pension under the Old



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Pension Scheme. Hence, the representation submitted by the petitioner cannot be considered and the writ petition is devoid of merits and it is liable to be dismissed.

5. Accordingly, this Writ Petition stands dismissed. However, any other benefits if not settled to the petitioner, the petitioner can very well to make a representation to the respondents. No costs.

04.03.2024

Index: Yes/No
Speaking Order: Yes
Lpp

To

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Union Territory of Puducherry,
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Puducherry – 605 001.

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G.K.ILANTHIRAIYAN, J.

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