



W.P.No.34044 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.34044 of 2024

R.Vijayalakshmi

...Petitioner

Vs

1.The District Collector,
Coimbatore,
Coimbatore District

2.The Accountant General of Tamil Nadu
Teynampet,
Chennai - 600 006.

3.The Revenue Divisional Officer,
Coimbatore South

4.The Tahsildar
Sulur Taluk, Coimbatore District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to pay the pensionary retirement benefits of the deceased Mr.P.Rajamahendiran (VAO) and also continue to pay the family pension to the petitioner herein within the time that may be stipulated by this Court.

For Petitioner : Mr.V.Ragupathy

For Respondents : Mr.Abishek Murthy for R1, R3 and R4



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Government Advocate
Mr.P.Mano Rajan for R2
Standing Counsel

ORDER

This writ petition has been filed to direct the respondents to pay the pensionary retirement benefits of the deceased Mr.P.Rajamahendiran (VAO) and also continue to pay the family pension to the petitioner herein within the time that may be stipulated by this Court.

2. The case of the petitioner is that the petitioner's husband was working as VAO and charges were framed against him under Section 17(b) of Tamil Nadu Civil service (discipline and Appeal) Rules. The petitioner's husband retired on the date of superannuation i.e., 31.07.2011 without prejudice to the Disciplinary Proceedings. He died on 20.08.2017. While so, the Commissioner of Revenue Administration sent a Memorandum dated 01.09.2017 to her husband stating that since charges against him were proved, punishment of 25% pension was cut for 3 years was imposed and also asked about his willingness to accept the punishment or not.

(ii). In the proceedings bearing No.Proc.No.Ser V(1)/2493/2017



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dated 16.03.2019, the Additional Chief Secretary, Commissioner of Revenue Administration passed order consequent to the death of the petitioner's husband who died on 20.08.2017 and the charges pending against him shall abate as per G.O.(Ms) No.2999, Public (service (B) Department, dated 04.12.1969. Pursuant to that, the petitioner submitted a petition in-person to the 1st respondent on 01.07.2019 requesting the respondent authorities to give her the pensionary and other retirement benefits. Again, she sent a letter dated 26.08.2019 to the 2nd respondent. Pursuant to which, the Revenue Divisional officer has passed orders and regularised her husband's service from 01.07.1995 and asked the Tahsildar to verify about his pensionary benefits and the family pension and forward his proposal to the Accountant General of Tamil Nadu. The service records were also forwarded to him. The copy of the same was sent to the petitioner. Thereafter, she sent a petition dated 25.05.2022 to the 1st respondent, but till date no further proceedings were taken by the respondents authorities. Hence, the present writ petition.

3. Learned counsel appearing for the respondents would submit that G.O.(Ms).No.151 dated 31.10.2018 has been issued by the Personnel



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and Administrative Reforms (N) Department stating that instructions were given to the Heads of Departments to refer the matter to Government, even for the deceased subordinate service officials and abatement orders are being issued at Government level. Delays in some instances were noticed in the issuance of abatement orders which causes great hardship to the legal heirs of the deceased in getting the terminal benefits in time. Accordingly, the petitioner's case will be considered by the respondents on its own merits and in accordance with law, within the time fixed by this Court.

4. In view of the same, without going into the merits of the claim made by the petitioner, this Court is inclined to direct the respondents to consider the case of the petitioner to pay the pensionsary retirement benefits of her deceased husband viz., P.Rajamahendiran and also continue to pay the family pension to the petitioner in accordance with law. The said exercise shall be done within a period of eight(8) weeks from the date of receipt of copy of this order.

5. With the above direction, the Writ Petition stands disposed of.

No costs.



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Index: Yes/No

Speaking order/Non-speaking order

To

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V.BHAVANI SUBBAROYAN,J.



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