



W.P.(MD)No.9291 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.04.2024

CORAM

THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P.(MD)No.9291 of 2024

and

W.M.P.(MD).No.8459 of 2024

M.Maheswari

... Petitioner

Vs.

1.The Principal Accountant General (A&E),
No.361, Anna Salai,
Chennai – 18.

2.The Divisional Engineer,
Divisional Engineer Office,
National Highways Department,
Dindigul.

3.The Assistant Divisional Engineer,
National Highways, Dindigul.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the impugned order in No.P13/1/11313067/ADK dated 11.03.2024 on the file of the first respondent and quash the same and further directing the respondents to provide family pension to the petitioner.



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For Petitioner : Mr.G.Prabhu Rajadurai

For Respondents : Mr.G.Karthick

ORDER

This Writ Petition has been filed seeking to quash the order dated 11.03.2024 on the file of the first respondent and further directing the respondents to provide family pension to the petitioner.

2. Heard Mr.G.Prabhu Rajadurai, learned counsel for the petitioner, Mr.G.Karthick, learned counsel for the respondents.

3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

4. Mr.G.Prabhu Rajadurai, learned counsel for the petitioner submitted that the petitioner who is the widow daughter of the Government servant seeks family pension by claiming that she is well within the ambit of the Government Order in G.O.(Ms).No.337 Finance Pay Cell Department dated 14.11.2017 which had enhanced the eligible income limit from Rs.2550/- to Rs.7850/-. According to the learned counsel for the petitioner, the petitioner has been employed in Noon Meal Organization as a Cook and for which she has been



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paid with monthly salary of Rs.6282/- which is below the maximum limit of Rs.7850/-.

5. In the impugned order, it is stated that the petitioner is in Government employment and is working as a Cook in the MGR Noon Meal Scheme and hence, she is not eligible to get family pension though her income is less than Rs.7850/-.

6. Mr.G.Karthick, learned counsel for the respondents submitted that the above Government Order in G.O.Ms.No.337 dated 14.11.2017, does not make a distinction between the person who is working in the Government or any other establishment, but the only criteria adopted is the quantum of income which is below than Rs.7850/-.

7. This is purely in view of the fact that none of the Government servants would get a salary below Rs.7850/- including the basic servants. However, the petitioner who is working as a Cook under MGR Noon Meal Scheme which is a Government sector, is getting only Rs.6282/- as a monthly salary. The learned counsel for the petitioner also did not state anything before the court whether the petitioner's employment with the Government is permanent one or whether she is working under contract basis and whether the salary is on the daily wages



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basis or consolidated basis or special pay. Since the Government has not considered the nature of the employment offered to the petitioner though the MGR Noon Meal Scheme is a Government sponsored scheme, I feel the order dated 11.03.2024 to be set aside and the respondents should be directed to reconsider the matter suiting to the type of employment of the petitioner, the type of the salary disbursed, scope of the employment and its future prospects and pass orders afresh.

8. In view of the above, the writ Petition is disposed of and the impugned order dated 11.03.2024 is set aside. The petitioner is at liberty to file a representation to the respondents within a period of two weeks from the date of receipt of a copy of this order and thereafter the respondents shall consider the same in the light of the above observation and pass orders afresh within a period of eight weeks from the date of receipt of the said representation. No costs. Consequently, connected miscellaneous petition is closed.

16.04.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



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R.N.MANJULA, J.

Nsr

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