



W.P.(MD)No.11777 of 2021

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 01.08.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.11777 of 2021

M.Vijaya

... Petitioner

Vs.

- 1.The Director,
Local Fund Audit,
Chennai – 108.
- 2.The Director of Panchayat,
Government of Tamil Nadu,
Chennai - 108.
- 3.The District Collector,
Kanyakumari District,
Nagercoil.
- 4.The Executive Officer,
Aralvoimozhi Panchayat,
Aralvoimozhi,
Kanyakumari District.
- 5.The Executive Officer,
Azhagiapandiyapuram Panchyat,
Azhagiapandiyapuram,
Kanyakumari District.

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to sanction the pensionary benefits payable to the petitioner husband under the Old Pension Scheme and family pension, by considering the petitioner's representation, dated 03.04.2021.

For Petitioner : Mr.M.P.Senthil
For Respondents : Mr.D.Gandhiraj
Special Government Pleader

ORDER

This Writ Petition has been filed, to direct the respondents to sanction the pensionary benefits payable to the petitioner husband under the Old Pension Scheme and family pension, by considering the petitioner's representation, dated 03.04.2021.

2.The facts, which lead to the filing of the Writ Petition in brief is as follows:-

The petitioner's husband was appointed as a Part Time Water Supply Attender in Aralvoimozhi Panchayat on daily wages on 02.01.1978, by the proceedings of the 4th respondent, dated 28.12.1977. After serving for almost 31 years, the 4th respondent vide Government Order in G.O.Ms.No.242, Rural Department, dated 10.02.2009, regularized the petitioner's husband in the post of Full Time Supply Worker and brought him under time scale of pay. Thereafter, he attained the superannuation and retired from service on



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31.03.2012. The petitioner's husband died on 08.03.2016 and he was survived by the petitioner, three daughters and one son. After his death, the petitioner made several representations to the respondents, seeking sanction of pensionary benefits payable to the petitioner's husband under the Old Pension Scheme. The same was not considered. Hence, the Writ Petition came to be filed.

3. Heard the learned counsel for the petitioner, the learned Special Government Pleader for the respondents and carefully perused the materials available on record.

4. The petitioner has sought a Mandamus, seeking sanction of pensionary benefits under the erstwhile Old Pension Scheme by considering her representation, dated 03.04.2021. The prayer of the petitioner is liable to be rejected on merits, in view of the ratio laid down by the Hon'ble Full Bench of this Court in the case of ***Government of Tamil Nadu and others v. R. Kaliyamoorthy*** reported in ***2019 (6) CTC 705*** and in yet another case of ***State of Tamil Nadu and another v. P. Arunachalam*** in W.A.No.714 of 2014, batch, dated 20.03.2024, reported in ***2024 (2) CTC 561***, to the effect that the persons, who were appointed on or after the cutoff date i.e., 01.04.2003 are not liable to be granted the benefit of the erstwhile Old Pension Scheme. The said



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proposition would be squarely applicable to the present case and nothing survives in the Writ Petition.

5. Accordingly, the Writ Petition stands dismissed. There shall be no order as to costs.

01.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Mrn



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L.VICTORIA GOWRI, J.

Mrn

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