



W.P.(MD)No.15959 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.07.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.15959 of 2024

S.Sainaba Beevi

... Petitioner

Vs.

The Managing Director,
Tamil Nadu Fisheries Development Corporation Limited
Integrated Office Complex for Animal Husbandry
and Fisheries Department,
No.571, 4th Floor, Anna Salai,
Nandanam,
Chennai-35.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to disburse the family pensionary benefits and other service benefits with 12% interest in terms of order passed by the Principal Seat of this Court in W.A.No.370 of 2014 dated 13.03.2018 by considering the petitioner's representation dated 23.04.2024 within the period that may be stipulated by this Court.

For Petitioner : Mr.V.Karthikraja,
for M/s.Ajal Associates

For Respondent : Mr.S.Shanmugavel
Additional Government Pleader



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ORDER

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

2. Heard Mr.V.Karthikraja, learned counsel appearing for the petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader appearing for the respondent.

3. The petitioner has filed this Writ Petition seeking a direction to the respondent to disburse the family pensionary benefits and other service benefits of her husband with 12% interest in terms of the order passed by the Division Bench of this Court in W.A.No.370 of 2014, dated 13.03.2018, by considering the petitioner's representation dated 23.04.2024 within the period that may be stipulated by this Court.

4. Mr.V.Karthick Raja, learned counsel appearing for the petitioner submitted that the husband of the petitioner was working as an 'Assistant Manager' in the respondent Corporation. When the petitioner's husband was alive, certain disciplinary proceedings initiated against him and he was imposed with a punishment of removal from service. The petitioner's husband



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challenged the order of dismissal by way of filing a Writ Petition in W.P.No. 10644 of 2007 before this Court and the same was disposed of by this Court on 27.11.2013 by modifying the punishment of removal from service as compulsory retirement. Aggrieved over the same, the respondent challenged the same by way of preferring a Writ Appeal in W.A.No.370 of 2014 before the Division Bench of this Court and the same was also disposed of by confirming the order of the learned Single Judge and a direction has also been given to the respondent to disburse the benefits to the petitioner's husband within a period of two months from the date of the judgment. In the meanwhile, the petitioner's husband died on 04.09.2023 due to cancer.

4.1. In fact, the petitioner's husband himself has filed a Writ Petition in W.P.(MD).No.20103 of 2023 and during the pendency of the said writ petition, he died and the petitioner herein has been impleaded as a legal heir of the deceased petitioner in the said Writ Petition. The above said Writ Petition has been filed to direct the respondent to disburse the pensionary benefits and other benefits with 12% interest in the light of the proposal sent by the first respondent vide his proceedings in Na.Ka.No.293/Ne and Ka-1/2018, dated 14.10.2022. The said Writ Petition was disposed of by this Court on 15.12.2023 and the relevant portion in the said order is extracted hereunder:



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“2. Pending writ petition, the second respondent herein has issued pension payment order. However, according to the learned counsel appearing for the writ petitioner, there is an error in the calculation and she is receiving a lesser pension. Reserving the right of the petitioner to agitate the same in a manner known to law, this writ petition stands closed. There shall be no order as to costs.

5. The above observation would only show that there is an error in calculating the pension amount received by the petitioner and there is no mention about the other pensionary benefits, if any. It is stated that some of the service benefits have been paid to the petitioner. In such case, the petitioner ought to have stated whatever the payment received by her so far. But the writ petition does not disclose anything on that aspect. In fact, in the earlier writ petition, it has been stated that the pensionary benefits despite paid but calculated in a manner which was not acceptable to the petitioner. In such a case, the petitioner shall submit her representation stating that the pension sanctioned to her is not in accordance with the Rules and pension amount, which she claims to be eligible. Only on such representation, it would be possible for the respondent to consider and pass orders afresh.



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6. In view of the above, the Writ Petition is **disposed of** giving liberty to the petitioner to make a fresh representation to the respondent by mentioning the amount amount received by her so far and also how the petitioner finds that the pension paid to her is less and the justification for claiming more than what is already sanctioned. On receipt of the same, the respondent shall pass orders afresh on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. No costs.

18.07.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
TSG

To
The Managing Director,
Tamil Nadu Fisheries Development Corporation Limited
Integrated Office Complex for Animal Husbandry
and Fisheries Department,
No.571, 4th Floor, Anna Salai,
Nandanam,
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R.N.MANJULA, J.

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