



**W.P.(MD).No.27582 of 2023**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**DATED : 24.10.2024**

**CORAM:**

**THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P(MD)No.27582 of 2023**

R.Sankareswary

... Petitioner

VS

1. The Additional Chief Secretary to the  
Government of Tamil Nadu,  
Social Welfare and Women Empowerment,  
(SW.5(1) Department, (Social Defense),  
Fort. St. George,  
Chennai-600 009.

2. The Director of Social Defence,  
Department of Social Defense,  
No.300, Purasaivakkam High Road,  
Kellys,  
Chennai-600 010.

3. The Joint Director of Social Defence,  
Department of Social Defence,  
No.300, Purasaivakkam High Road,  
Kellys,  
Chennai-600 010.

4. The Superintendent,  
Government Children's Home,  
Malliputhur,  
Srivilliputhur Taluk,  
Virudhunagar District

... Respondents



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**PRAYER:** Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, direct the respondents to consider the petitioner representation dated 04.03.2021 and consequently direct the respondents to extent the benefits as per G.O.Ms.No.216, Finance and Pay Cell Department dated 22.03.1993 which was implemented vide G.O.Ms.No.90, Education Department dated 09.05.2018 and Government letter in No.13791/A2/2017 Commissioner of Social Defence, Dated 24.08.2020 in light of the order of the Hon'ble Division Bench made in W.A.No.3290/2019 dated 23.09.2019 to the petitioner.

|                 |                                                 |
|-----------------|-------------------------------------------------|
| For Petitioner  | : Mr.K.P.Krishna Doss                           |
| For Respondents | : Mr.S.Shaji Bino<br>Special Government Pleader |

### **ORDER**

The instant writ petition has been filed by the wife of the deceased employee who was working as a Secondary Grade Teacher, seeking a mandamus to confer the benefits as per G.O.Ms.No.216, Finance and Pay Cell Department dated 22.03.1993.

2. A perusal of the affidavit reveals that the petitioner's husband had joined in service as Secondary Grade Teacher on 09.09.1985. In the year 1995, he was conferred with selection grade. On 12.09.2005, the petitioner



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was conferred with special grade. While he was in service, he died on 14.11.2005.

3. Claiming the benefits under G.O.Ms.No.216, Finance and Pay Cell Department dated 22.03.1993, the petitioner has sent a representation on 04.03.2021, and the present writ petition has been filed on 17.11.2023.

4. The learned Counsel appearing for the writ petitioner had relied upon the Division Bench judgement of this Court in W.A.No.3290 of 2019 dated 23.09.2019 and he contended that after considering the Full Bench Judgement in W.A.No.1744 of 2015, the Hon'ble Division Bench of this Court has taken a different view and therefore, the petitioner would also be entitled to get the benefits under G.O.Ms.No.216, Finance and Pay Cell Department dated 22.03.1993.

5. Per contra, the learned Counsel appearing for the 1<sup>st</sup> respondent had contended that in the case referred by the writ petitioner, the writ petition has been filed in the year 2013, and therefore, the writ petition had been filed within the cut off date fixed by the Hon'ble Full Bench. Hence, there cannot



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be any quarrel with the order passed by the Hon'ble Division Bench considering the facts of the said case.

6. A perusal of the order passed by the Hon'ble Full Bench reported in 2017(1) CWC 561 in Para.38, clause 4, reveals that, no fresh writ petitions seeking benefits under G.O.Ms.No.216, Finance and Pay Cell Department dated 22.03.1993 should be entertained on and from 09.12.2016. In the present case, the petitioner's husband was died on 14.11.2005 and the petitioner sent a representation on 04.03.2021 and filed the present writ petition before this Court on 17.11.2023, which is clearly outside the cut off date fixed by the Hon'ble Full Bench of this Court.

7. In view of the above said facts, there are no merits in this writ petition and the writ petition stands dismissed. No costs.

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NCC : Yes/No  
Index : Yes / No  
Internet : Yes / No  
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**R.VIJAYAKUMAR,J.**

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