



WP No. 10842 of 2015

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-07-2025

CORAM

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

WP No. 10842 of 2015

1. R.Dhanam (DECEASED),
Kadai Theru, Brahmadesam Post,
Veppanthattai Taluk,
Perambalur District - 621 115.

2.Tmt.Kandhimathi,
W/o. Periasamy, 1/133, Kila Theru,
Brahmadesam Post,
Veppanthattai Taluk,
Perambalur District.

3.Poovaragasamy, S/o. Rengasamy,
1/140, Kadai Theru, Brahmadesam
Post, Veppanthattai Taluk,
Perambalur District.

4.Kamaraj,
S/o.Rengasamy, 7, Rose Nagar,
Ramakrishna Opposite, Perambalur,
Perambalur District.

(P2 to P4 substituted as LRs of
deceased sole petitioner vide Order
dated 19.06.2025 made in
WMP.34242/2024 in WP.10842/2015)

Petitioner(s)



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Vs

1. The Government of Tamil Nadu

Rep. by the Secretary to Government,
Revenue Department,
Fort St. George, Chennai-600 009.

2. The Additional Chief Secretary and
Commissioner of Revenue
Administration, Chepauk,
Chennai-600005.

3. The Collector,
Perambalur, Perambalur District.

4. The Principal Accountant
General (Accounts and Entitlements),
381, Anna Salai, Chennai-18.

Respondent(s)

PRAYER

Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records relating to the impugned order of the first respondent in G.O.(1-D) No.442, Revenue [Per 8(2)] Department, dated 5.9.2014 and quash the same and direct the respondents to grant Special Pension and Family Pension to the petitioner on account of death of her husband Mr.A.Rangasamy, formerly Village Munsiff, Brahmadesam Kayam, Veppanthattai Taluk, Perambalur District.



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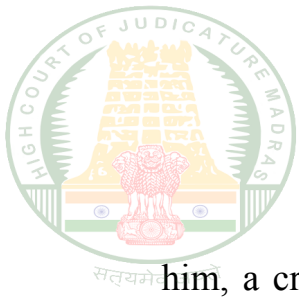
For Petitioner(s): Mr.P.Rajendran,

For Respondent(s): Mr.S.Senthil Murugan
Special Government Pleader
(For R1 to R3)
Mr.T.S.Selvarani (For R4)

ORDER

Challenging the order of the first respondent in G.O.(1-D) No.442, Revenue [Per 8(2)] Department, dated 5.9.2014, instant writ petition has been filed to quash the same and for a consequential direction to grant Special Pension and Family Pension to the petitioners 2 to 4 on account of death of their father Mr.A.Rangasamy, formerly Village Munsiff, Brahmadesam Kayam, Veppanthattai Taluk, Perambalur District.

2. It is the contention of the petitioners 2 to 4 that the first petitioner is the mother of petitioners 2 to 4 and wife of the deceased employee viz., Mr.Rangasamy, who had worked as Village Munsiff from 08.01.1959 to 28.03.1976 in Brahmadesam Kayam Village, Veppanthattai Taluk, Perambalur District. He was placed under suspension on 26.02.1976 and thereafter he was dismissed from service on 06.11.1977. As against his dismissal, an appeal was preferred before the Additional Collector and the same was dismissed on 14.02.1978. Based on the charges of misappropriation of funds raised against



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him, a criminal case was registered in C.C.No.302/77 before the learned First Class Magistrate, Tiruchirappali and he was acquitted from all charges as per the judgment dated 20.01.1979. Thereafter, he preferred an appeal before the Commissioner of Revenue Administration, Chennai against the order of the Additional Collector dated 14.02.1978. A notice was sent by the Commissioner of Revenue Administration on 26.06.1980 fixing the date of hearing as 06.09.1980. The husband of the 1st petitioner appeared and the case was adjourned to 02.01.1981. In the interregnum, the Government of Tamil Nadu abolished the post of part time village officer on 14.11.1980 and therefore, the Appeal filed by the first petitioner's husband could not be proceeded further.

3.The learned counsel appearing for the petitioner submitted that based on the G.O.(Ms).No.828, Revenue (E.Spl.1) Department dated 23.08.1996, the erstwhile Village Munsiffs who were in service as on 14.11.1980, were allowed to claim special Pension and their legal heirs were eligible for family pension. The first petitioner's husband died on 28.04.1995. The first petitioner had made a representation to the respondents claiming special pension and family pension. However, the Government rejected the claim of the petitioner vide impugned order dated 05.09.2014 on the ground that there is no provision for granting family pension as claimed by the petitioner under G.O.Ms.No.828, Rev. Dept. dated 23.08.1996. The present writ petition is filed challenging the impugned



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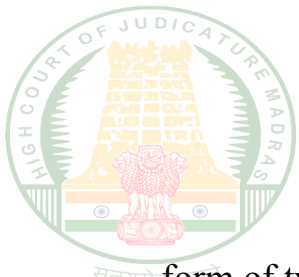
order.
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4. Pending adjudication of the writ petition, the original petitioner R.Dhanam died on 25.09.2016. Hence, the legal heirs of the said Dhanam have been brought on record as petitioners 2 to 4 by an order of this Court dated 19.06.2025 made in W.M.P.No.34242 of 2024.

5. The learned Special Government Pleader appearing for the respondents 1 to 3 submitted that the benefit of family pension could not be extended to the petitioners, as the benefit of family pension under G.O.Ms.No.828 is applicable only to the family members of the employees who were in service as on 14.11.1980.

6. The learned counsel appearing for the fourth respondent reiterated the applicability of G.O.Ms.No.828 and submitted that the petitioners could avail the benefits of G.O.Ms.No.828, only if the first petitioner's husband was in service as on 14.11.1980. She further submitted that the first petitioner's husband was dismissed from service on 06.11.1977 and he was not in service at the relevant point of time.

7. Heard both sides and perused the materials available on record in the

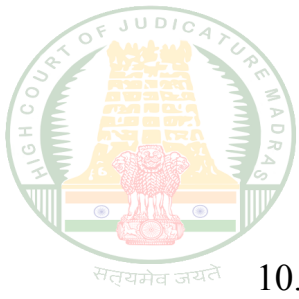


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8.It is evident from G.O.Ms.No.828 dated 23.08.1996 that the benefit would be extended to the persons who lost their employment by virtue of abolition of the post of Village Munsiff by the Government on 14.11.1980. The first petitioner's husband was not in service as on 14.11.1980. As rightly mentioned by the learned Special Government Pleader and the learned counsel for the 4th respondent, the first petitioner's husband was removed from service on 06.11.1977 and his Appeal was also dismissed by the Additional Collector on 14.02.1978. G.O.(Ms).No.828, Revenue (E.Spl.1) Department dated 23.08.1996, extends some benefits to the Government servants whose post was abolished by the Tamil Nadu Government. Unfortunately, the benefits available under G.O.(Ms).No.828, Revenue (E.Spl.1) Department dated 23.08.1996 could not be extended to the first petitioner's husband, as he was dismissed from service as early as on 06.11.1977.

9.As rightly mentioned in the impugned order, there is no provision under G.O.Ms.No.828 dated 23.08.1996 to extend the benefit of family pension to the petitioners. Therefore, the writ petition is devoid of merits and does not merit consideration and hence liable to be dismissed.



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10. Accordingly, the writ petition is dismissed. However, there is no order as to costs.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

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Rep. by the Secretary to Government,
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Fort St. George,
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N.SENTHILKUMAR J.

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