



WEB COPY



W.P.No.31506 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.08.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 31506 of 2025

O. Mallika

...Petitioner

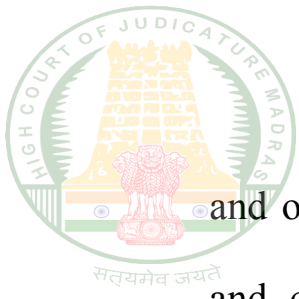
Vs.

1.The Commissioner
Edanganasalai Municipality
Salem District.

2.The Assistant Director
Local Fund Audit Department
Integrated Finance Department,
4th Floor, Nandanam,
Chennai – 35.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issue of Writ of Mandamus, directing the respondents to refix the pay of the petitioners Late Husband Ovan with effect from 01.01.2016 in the VII th Pay Commission Scales and revise the pension



W.P.No.31506 of 2022

WEB COPY

and other terminal benefits such as gratuity, earned leave encashment and commutation and pay the arrears and consequently direct the payment family pension to the petitioner with effect from 12.11.2018 on the basis of such revised pay in the light of the proposals submitted by the 1st Respondent in its Roc.No.Nill/2022 dated 05.2022 and the Na.Ka.No.304/2022/C1 dated 13.12.2024 within the time frame to be fixed by this Court.

For Petitioner : Mr. V.Vijay Shankar
For Respondent 1 : Mr. M.S.Premkumar
Government Advocate
For Respondent 2: Mr. Azizulla Khan
Government Advocate.

ORDER

The Writ Petition is filed for the following relief:

“directing the respondents to refix the pay of the petitioners Late Husband Ovan with effect from 01.01.2016 in the VII th Pay Commission Scales and revise the pension and other terminal benefits such as gratuity, earned leave encashment and commutation and



WEB COPY



W.P.No.31506 of 2022

pay the arrears and consequently direct the payment family pension to the petitioner with effect from 12.11.2018 on the basis of such revised pay in the light of the proposals submitted by the 1st Respondent in its Roc.No.Nill/2022 dated 05.2022 and the Na.Ka.No.304/2022/C1 dated 13.12.2024 within the time frame to be fixed by this Court”.

2. The petitioner's husband worked as a Sanitary worker under the 1st respondent Municipality. He retired from service on 30.06.2016. He was drawing pension which was calculated on VI Pay Commission scale. This was because VII Pay Commission scale were implemented only in the year 2017 but with retrospective effect from 01.01.2016. The petitioner's husband was getting pension based on VI Pay Commission scale. The petitioner's husband died on 11.11.2018 and the pension paid to him was stopped.

3. After enquiry it was informed by the 1st respondent office that



W.P.No.31506 of 2025

WEB COPY

as the VII Pay Commission scale was not implemented in his case, the petitioner's husband's pension will be refixed along with other terminal benefits and consequently family pension payable to the petitioner will also be sanctioned. Later, the petitioner came to understand that the 1st respondent had fixed the pay of the petitioner's husband with effect from 01.01.2016 in VII Pay Commission scale and sought approval from the 2nd respondent. Thereafter, reminders were also sent on 18.10.2023 and 13.12.2024. However, the pay fixation has not been approved and the revised terminal benefits including family pension payable to the petitioner from 12.11.2018 was not sanctioned.

4. Therefore, the petitioner sent a representation dated 26.06.2025 to the 1st respondent which too remains unanswered till date. Hence, the petition.

5. Considering the fact that the 1st respondent has forwarded a



W.P.No.31506 of 2022

proposal as early as on May 2022, the Writ Petition is allowed. The respondents are directed to refix the pay of the petitioner's husband with effect from 01.01.2016 in VII Pay Commission scale and revise the pension and other terminal benefits such as gratuity, earned leave encashment and commutation and pay the arrears and payment of family pension to the petitioner with effect from 12.11.2018 on the basis of revised pay in the light of the proposal submitted by the 1st respondent, within a period of 1 month from the date of receipt of a copy of this order. No costs.

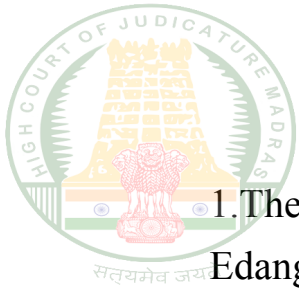
21.08.2025

Index : Yes/No
Internet : Yes/No

kan

To

5/7



W.P.No.31506 of 2023

1. The Commissioner
Edanganasalai Municipality
Salem District.

2. The Assistant Director
Local Fund Audit Department
Integrated Finance Department,
4th Floor, Nandanam,
Chennai – 35.

P.T. ASHA, J

kan



WEB COPY



W.P.No.31506 of 2025

W.P.No. 31506 of 2025

21.08.2025