



WP(MD).3032 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE SHAMIM AHMED

WP(MD)No.3032 of 2021

A.Sakthi Selvam

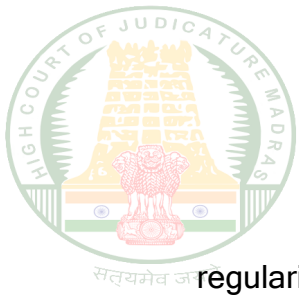
...Petitioner

Vs

- 1.The State of Tamil Nadu,
Represented by its Principal Secretary,
Public Works Department,
Secretariat,
Fort St.George,
Chennai - 600 009.
- 2.The Engineer-in-Chief (Water Resource Organisation)
and Chief Engineer (General),
Public Works Department,
Chepauk,
Chennai - 600 005.
- 3.The Assistant Executive Engineer,
Public Works Department / Water Resource Organisation,
Saruganiar Basin Sub-Division,
Sivagangai,
Sivagangai District.
- 4.The Accountant General (A&E),
No.361, Anna Salai,
Teynampet,
Chennai - 600 018.

...Respondents

Prayer:- This Writ Petition has been filed under the Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the first respondent in connection with the impugned calculation made by him in Column No.4, Serial No.370 of Annexure VIII to G.O.(Ms)No.334, Public Works (C2) Department dated 19.10.2007 in regard to



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regularization of the Petitioner's husband's service on completion of 10 years of service in the 1st respondent Department and quash the same as illegal and arbitrary and consequently direct the 1st respondent to correct the calculation mistake as 25.08.2001 instead of 01.01.2005 and thereby direct him to take appropriate action to provide the Petitioner, family pension under old scheme by counting half of his past service as NMR employee pursuant to Government Order in G.O.Ms.No.408, Finance (Pension) Department, dated 25.08.2009 within the time that may be stipulated by this Court.

For Petitioner : Mr.G.Thalaimutharasu
For R-1 to R-3 : Mr.D.Sadiq Raja
Additional Government Pleader
For R-4 : Mr.P.Gunasekaran

ORDER

1. This Writ Petition has been filed under the Article 226 of the Constitution of India, to quash the impugned calculation in Column No.4, Serial No.370 of Annexure VIII to G.O.(Ms)No.334, Public Works (C2) Department dated 19.10.2007 regarding regularization of the Petitioner's husband's service and to consequently direct the 1st respondent to correct the calculation mistake as 25.08.2001 instead of 01.01.2005 and thereby direct him to take appropriate action to provide the Petitioner, family pension under old scheme by counting half of his past service as NMR employee pursuant to Government Order in G.O.Ms.No.408, Finance (Pension) Department, dated 25.08.2009.



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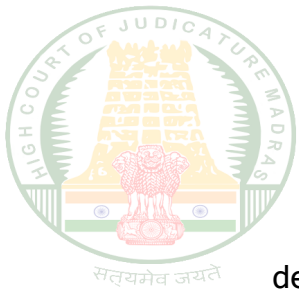
2. The facts of the case in a nut shell, led to filing of this Writ Petition and necessary for disposal of the same, are as follows:-

(a) The Petitioner's husband viz., P.Ashok Kumar, joined in the 3rd Respondent's office as a Nominal Muster Roll employee on 26.08.1991. Subsequently, his service was regularized by the 1st Respondent vide G.O.(Ms)No.334, dated 19.10.2007, with effect from the date of completion of 10 years from the date of joining. However, the 1st Respondent committed calculation errors and wrong entries in the Government Order, incorrectly listing the regularization date as 01.01.2005, instead of the correct date of 25.08.2001.

(b) Consequently, after the Petitioner's husband passed away on 28.05.2015, the Petitioner was denied family pension due to the erroneous regularization date. Hence, this Writ Petition has been filed seeking the relief as stated supra.

3. Heard Mr.G.Thalaimutharasu, learned counsel for the Petitioner, Mr.D.Sadiq Raja, learned Additional Government Pleader for the Respondents 1 to 3 and Mr.P.Gunasekaran, learned counsel for the 4th Respondent.

4. The learned counsel for the petitioner, while reiterating the averments made in the affidavit filed in support of this Writ Petition, submits that

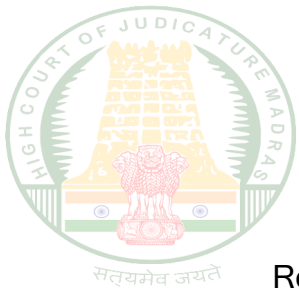


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despite previous representation to the Respondents, no final order has been passed. Now, the Petitioner is ready and willing to submit a fresh representation before the concerned authority ie., the 2nd Respondent which may be directed to be disposed within a specified time.

5. Mr.D.Sadiq Raja, learned Additional Government Pleader for the Respondents 1 to 3 and Mr.P.Gunasekaran, learned counsel for the 4th Respondent submit that this Writ Petition has been filed after an inordinate delay, as the Petitioner's husband passed away on 28.05.2015, and the petition was filed only in the year 2021. They also contend that the Petitioner ought to have made proper representation before the concerned authorities, specifically the 2nd Respondent, detailing her grievances. However, no such representation was made. Thus, the claim of the Petitioner cannot be decided by this Court in the present Writ Petition. If she did not receive the benefits as claimed, she may file a proper representation before the 2nd Respondent for redressing her grievances, which would be considered and decided in accordance with law through a reasoned and speaking order.
6. After considering the submissions made by the learned counsels for both parties and perusing the records and averments made in the Writ Petition, this Court deems it appropriate that no useful purpose will be served in keeping this Writ Petition pending before this Court. Accordingly, the 2nd



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Respondent may be directed to decide the case of the Petitioner on merits and in accordance with law.

7. Accordingly, the petitioner is directed to file a fresh representation before the 2nd Respondent detailing her claim and grievances within a period of four weeks from today. If any such representation is filed by the Petitioner before the 2nd Respondent as per the time stipulated by this Court, the 2nd Respondent is directed to consider the same and pass a reasoned and speaking order on merits and in accordance with law, after giving sufficient opportunity to the Petitioner, within a period of two months from the date of receipt of such representation. The 2nd Respondent shall communicate the order to the Petitioner through Registered Post with Acknowledgement Due (RPAD) within a period of two weeks from the date of passing the order.
8. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs.

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Index:Yes/No
Web:Yes/No
Speaking/Non Speaking
Neutral Citation
Nsr



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To:

- 1.The Principal Secretary,
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Fort St.George,
Chennai - 600 009.
- 2.The Engineer-in-Chief (Water Resource Organisation)
and Chief Engineer (General),
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SHAMIM AHMED, J.

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