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WP No.7790 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-04-2026

CORAM

**THE HONOURABLE MR JUSTICE P.VELMURUGAN
AND
THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN
THILAKAVADI**

**WP No.7790 of 2024
AND
WMP No.8726 of 2024**

1. Union of India
Rep.by its Secretary
Ministry of Personnel, Public Grievances and
Pensions
Department of Pensions & Pensioners Welfare
3rd Floor, Lok Nayak Bhavan, Khan Market
New Delhi 110 003
2. The Secretary
Ministry of Communications & IT
Department of Posts, Dak Bhavan, Sansad Marg
New Delhi 110 011
3. Chief Post Master General
Tamil Nadu Circle, Anna Salai
Chennai 600 002
4. The Superintendent
Railway Mail Service
Chennai Sorting Division
Chennai 600 008
5. Head Record Officer
Chennai Sorting Division
Chennai 600 008

Petitioners

Vs

1. Thenmozhi
W/o.Late G.Vishwanathan



No.32, Veerasamy Main Road
Ayanavaram, Chennai 600 023

2. The Registrar

Central Administrative Tribunal
Chennai Bench, Chennai 600 104

Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for the records relating to the impugned order in O.A.No.936 of 2017 dated 17.03.2023 passed by the Central Administrative Tribunal, Chennai Bench, the 2nd respondent herein and quash the same.

For Petitioners: Mr.C.Samivel
Senior Central Government
Standing Counsel (SPC)

For Respondents: Mr.R.Malaichamy for R1
R2 - Tribunal

ORDER

(Order of the Court was made by P.Velmurugan J.)

This writ petition has been directed against the order passed by the Central Administrative Tribunal, Chennai Bench in O.A.No.936 of 2017 dated 17.03.2023.

2. The first respondent herein filed the original application before the Central Administrative Tribunal, Chennai Bench stating that her deceased husband was working as Mazdoor in the Department of the petitioners herein from 12.09.1983 and he was conferred with temporary status w.e.f. 01.01.2001 by order dated 03.08.2004 along with other 85 employees. The first



respondent's husband died on 06.08.2014 in harness due to cancer at the age of 51 years. After the death of her husband, on the ground that the first respondent is in penury and having the liability and responsibility of taking care of two daughters, she approached the authorities and requested for family pension as well as appointment on compassionate ground relying upon the cases of Smt. K.Hemavathy and Sri.N.Srinivasan who were granted temporary status and retired as such approached this Hon'ble Tribunal, for relief of grant of pension to them and the said OAs were allowed by the Tribunal. Therefore, the first respondent's husband being similarly situated as the above said employees, she is entitled for the service benefits of her husband such as pension, gratuity, She also relied on the various orders passed by the co-ordinate bench of this Tribunal upheld by the Hon'ble High Courts and attained finality before the Hon'ble Supreme court, after dismissal of the SLP filed by the Department respectively, wherein the claim of the said employees who have been confirmed with temporary status though their services were not regularised, either they retired on superannuation without regularization or died before the regularisation, the claim for grant of pension/family pension as well as compassionate appointment has been considered and the Department also extended the said benefit and implemented the order passed by the Courts accordingly. The first respondent's request dated 17.04.2017 has been rejected by the petitioners by order dated 25.05.2017 and declined to grant the benefit of



family pension as well as compassionate ground appointment on the ground that the services of her husband have not been regularised till the date of his death.

Aggrieved thereby, the first respondent filed the OA challenging the order dated 25.05.2017 and to direct the petitioners to grant pension for the service rendered by her husband and also to grant family pension along with the arrears.

3. The petitioners filed their counter and raised objections over the claim of the first respondent by contending that her husband was only granted with temporary status till his death and the Department has not regularised his services, as there were no vacancies available and according to the roster, the senior most has to be accommodated first. Therefore the petitioners justified the rejection. They have also stated that the reliance placed by the first respondent over the orders passed by the Tribunal, which attained finality before the Hon'ble Supreme court are not in detail. In support of the contentions raised by the respondents, they have relied upon the order passed by the Hon'ble Supreme court in Civil Appeal No.2432 of 2010, wherein the Hon'ble Supreme court has held that dismissal of the SLP at the stage of admission without reason is not binding. Moreover some of the orders passed by the Tribunal in the matter of regularisation has been challenged before the High Court of Madras and the same are subjudice, In view of the same, the petitioners sought for dismissal of the OA being devoid of merits.



4. The Tribunal, after hearing both sides, set aside the order dated 25.05.2017 and directed the Department to grant family pension to the first respondent by treating the first respondent's husband as a regular employee and that such exercise shall be carried out within a period of three months from the date of receipt of a copy of the order. Challenging the above order, the present writ petition has been filed before this Court.

5. The learned Senior Central Government Standing Counsel appearing on behalf of the petitioners would submit that though the first respondent's husband was conferred with temporary status with effect from 01.01.2001 as per the Scheme, before considering the case of late G.Vishwanathan for regularisation as Multi Tasking Staff, who was in 25th position in the seniority list, he expired on 06.08.2014. However, his family had been paid with all the benefits which would accrue to a temporary status casual labourer. Therefore, the claim of the first respondent for grant of family pension cannot be considered. The Tribunal, without considering these facts, has issued a direction for grant of family pension to the first respondent and therefore, he seeks for interference.

6. The learned counsel appearing on behalf of the first respondent would



submit that the order passed by the Tribunal requires no interference, as the Tribunal has considered the various orders passed in identical matters and directed the Department to grant the family pension to the first respondent.

7. We have heard the submissions made by the learned counsel on either side and perused the materials available on record.

8. It is an admitted case that the first respondent's husband died in harness on 06.08.2014. It is also to be noted that though the first respondent's husband was granted temporary status with effect from 01.01.2001 as per the Scheme, since only 25% from among the Temporary Status Casual Labourers could be considered for regularisation, i.e., 4 vacancies under TSCL seniority quota was approved by the competent authority for the year 2013 and the seniority position of late G.Vishwanathan became 25 as on 01.07.2014, the husband of the first respondent died on 06.08.2014 before his services could be taken up for consideration for regularisation as a Multi Tasking Staff. Since the first respondent's husband was not regularised as a regular employee, he is not entitled for pension much less to count the 50% of the period of service that the first respondent's husband had put in as a temporary casual labourer even according to the Rules. In view of the same, the order of the Tribunal requires to be interfered with by this Court. Accordingly, the impugned order is set aside



and the writ petition stands allowed. Consequently, the connected WMP is closed. No costs.

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(P.VELMURUGAN J.) (K.GOVINDARAJAN THILAKAVADI J.)
09-04-2026

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No

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To

1. The Registrar
Central Administrative Tribunal
Chennai Bench, Chennai 600 104
2. The Secretary to Union of India
Ministry of Personnel, Public
Grievances and Pensions
Department of Pensions &
Pensioners Welfare
3rd Floor, Lok Nayak Bhavan
Khan Market, New Delhi 110 003
3. The Secretary
Ministry of Communications & IT
Department of Posts, Dak Bhavan,
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