



WEB COPY

WP No. 29692 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-04-2026

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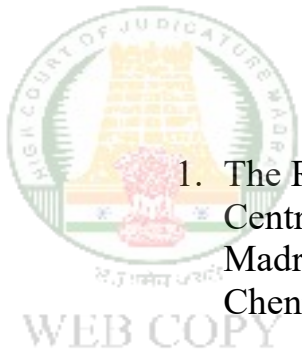
**THE HON'BLE MR JUSTICE P. VELMURUGAN
AND
THE HON'BLE MRS.JUSTICE K. GOVINDARAJAN THILAKAVADI**

**WP No. 29692 of 2023
and
WMP No. 29302 of 2023**

1. Union Of India,
Rep. By The Secretary,
Ministry Of Personnel, Public Grievances And
Pensions,
Department Of Pensions And Pensioners
Welfare, 3rd Floor, Lok Nayak Bhavan,
Khan Market, New Delhi - 110 003.
2. The Secretary,
Ministry Of Communications and IT,
Department Of Posts, Dak Bhavan,
Sansad Marg, New Delhi - 110 001.
3. The Chief Postmaster General
Tamil Nadu Circle,
Anna Salai, Chennai - 600 002.
4. The Assistant Director (Rectt),
O/o The Chief Postmaster General,
Tamil Nadu Circle, Anna Salai,
Chennai - 600 002.
5. The Superintendent RMS,
Chennai Airmail Sorting Division,
Chennai - 600 016.

..Petitioner(s)

Vs



1. The Registrar,
Central Administrative Tribunal,
Madras Bench, High Court Building,
Chennai – 600 104.

2. R.Yosotha

..Respondent(s)

Prayer: Writ Petition filed under Section 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of the Tribunal in its impugned order dated 31.03.2023 in OA 56/2020 passed by the 1st Respondent Central Administrative Tribunal, Madras Bench and quash the same.

For Petitioners: Mr.M.Karthikeyan

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

ORDER

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

The Writ Petition has been filed to quash the order passed by the Central Administrative Tribunal, Madras Bench (for brevity ‘the Tribunal’), dated 31.03.2023.

2.The 2nd respondent’s husband late L.Ramakrishnan, who was working as a Casual Labourer in the Airmail Sorting Division, Chennai, along with other employees, was conferred with temporary status in the year 2001. He died on 11.09.2013 while he was in service. Thereafter, the 2nd respondent made a representation before the appropriate authority vide letter dated 12.12.2018,



seeking for grant of pension for the service rendered by her husband, which was rejected by the Assistant Director (Recruitment) by order dated 05.02.2019.

Aggrieved by the same, the 2nd respondent filed O.A.No.292 of 2019 before the Tribunal, which was disposed of by an order dated 11.03.2019 with a direction to the petitioners herein to pass a reasoned and speaking order. Thereafter, the 5th petitioners herein had passed an order on 08.08.2019 rejecting the claim of the 2nd respondent for grant of family pension. As against the order dated 08.08.2019, the 2nd respondent had preferred O.A.No.56 of 2020 before the Tribunal. The Tribunal, by its order dated 31.03.2023, had allowed the application and directed the petitioners to grant pension and other retiral benefits to the late employee within a stipulated time. The said order of the Tribunal is put under challenge in the present Writ Petition.

3.The learned counsel for the petitioners would submit that the husband of the 2nd respondent was working only as a Casual Labourer and thereafter, he was conferred with the temporary status. The learned counsel submitted that the Tribunal failed to consider the fact that the temporary casual labourers are not governed by CCS Rules and hence, they are not eligible for pension. Since the employee was not regularized, he would not be entitled for grant of pension. The learned counsel further submitted that the impugned order of the Tribunal is contrary to Rule 49(3) of CCS (Pension) Rules, 1972, which stipulates a minimum service of 10 years as regular employee for grant of pension.



4. Per contra, the learned counsel appearing for the 2nd respondent would submit that since the late employee served for almost 29 years from the year 1984 till the date of his death as Casual Labourer on temporary basis, he is entitled for family pension. However, the petitioners did not regularize the late employee's service for want of vacancy and thus, this cannot be cited as a reason for not sanctioning the family pension. The learned counsel submitted that the Tribunal, by placing reliance on its own decisions, as well as the judgments of this Court and the Hon'ble Supreme Court, had rightly ordered for the benefit of pension. Therefore, the learned counsel sought for dismissal of this Writ Petition.

5. Heard the learned counsel on either side and perused the records.

6. Admittedly, the husband of the 2nd respondent was working as a Casual Labourer from 1984 till 1991. Subsequently, he was conferred with temporary status till the date of his expiry in the year 2013. The similarly placed persons were regularized depending upon the vacancies and they were granted the family pension and other retirement benefits on attaining the age of superannuation. However, the 2nd respondent's husband was not granted the said relief by the petitioners stating that he worked only on temporary basis till his death. The late employee was also not regularized for want of vacancies. Thus, this cannot be cited as a reason by the petitioners for denying family pension. If



the 2nd respondent's husband would have been alive, his services would have been regularized. Since the late employee had expired, the petitioners cannot deny the eligible family pension and other benefits to his family, which is contrary to a catena of judgments made by this Court as well as the Hon'ble Supreme Court.

7.The Tribunal, by considering all the aforesaid aspects and also by citing various judgments of the Hon'ble Supreme Court, had rightly held the late employee's wife to be eligible for retiral benefits, including family pension as per CCS (Pension) Rules, 1972. Thus, this Court does not find any reason to interfere with the order passed by the Tribunal.

8.Accordingly, the Writ Petition stands dismissed. In view of the dismissal of this Writ Petition, the petitioners are directed to comply with the order passed by the Tribunal in O.A.No.56 of 2020, dated 31.03.2023, within a period of eight weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(P.V.,J.) (K.G.T.,J.)
09-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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P.VELMURUGAN,J.
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K.GOVINDARAJAN THILAKAVADI,J.

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To

The Registrar
Central Administrative Tribunal,
Madras Bench,
High Court Building, Chennai – 104.

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