



W.A(MD) No.89 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 17.04.2026

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MS.JUSTICE R.POORNIMA**

**W.A(MD) No.89 of 2022
&
C.M.P.(MD)No.959 of 2022**

1.The Secretary to Government,
Agriculture Department,
Fort St.George,
Chennai-9.

2.The Director of Agriculture Marketing,
Chennai-40.

3.The Secretary,
Tirunelveli Market Committee,
Tirunelveli District.

... Appellants / Respondents

Vs.

A.Sakunthala

... Respondent / petitioner



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PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent praying this Court to set aside the order dated 16.11.2021 made in W.P. (MD)No.8892 of 2018 on the file of this Court and allow this appeal.

For Appellants : Mr.G.V.Vairam Santhosh
Additional Government Pleader

For Respondent : Mr.H.Arumugam

JUDGMENT

(Judgment of the Court was made by **G.R.SWAMINATHAN, J.**)

The Government has filed this writ appeal challenging the order dated 16.11.2021 passed by the learned Single Judge allowing W.P. (MD)No. 8892 of 2018 filed by the respondent herein.

2. The writ petitioner's husband Srinivasan was appointed as Watchmen in Tirunelveli Market Committee on 24.12.1971. He was subsequently made permanent also. When he was in service, G.O.Ms.No.1078, Agri Department dated 01.06.1977 was issued sanctioning pension, DCRG and other benefits subject to the employee



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seeking admission in the said scheme. Few other conditions were also stipulated for conferring the benefit under the scheme. Unfortunately, Srinivasan passed away on 10.09.1977 before he could seek admission into the scheme. For similarly placed individuals, the benefit of the scheme was given. For reasons that are not quite clear, the writ petitioner was denied the benefit of the scheme. Interestingly, the employer as well as the office of the Accountant General recommended her case. Since the Government did not act on those recommendations, W.P.(MD)No.889 of 2018 came to be filed. The learned single judge allowed the writ petition in the following terms:-

“13. The respondents do not deny the factum of employment of the petitioner's husband and the only defence put forth to reject the request for family pension on merits is that there was no application for admittance of the employee into the Pension Scheme.

14. The Mandamus, as sought for, is issued. There is a direction to R1 to compute the pension to which the petitioner is entitled, bearing in mind the period of services put in by her husband and to pay over the arrears, within a period of four weeks from today. Timely payments shall be effected thereafter. The payment of ex-gratia shall cease as on 31.12.2020.”



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3.What had weighed with the single Judge was that relief was granted in the case of similarly placed individuals. The question that calls for consideration is whether we need to reverse the order of the learned single Judge.

4.One point urged by the learned Additional Government Pleader appeals to us. The writ petitioner moved the writ Court only in the year 2014. Therefore, the writ petitioner can be granted relief with effect from 01.01.2011 onwards. Since the petitioner came to the writ Court only in 2014, directing the Government to pay arrears from 1979 may not be in order. The arrears payable to the writ petitioner shall be settled within a period of eight weeks from the date of receipt of a copy of this order. The writ petitioner will be continued to be paid her monthly pension regularly.

5. With the aforesaid modifications, the Writ Appeal stands partly allowed. No costs.

(G.R.S., J.) (R.P., J.)
17.04.2026

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