

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2015

CORAM:

THE HONOURABLE MR.JUSTICE V.DHANAPALAN
AND
THE HONOURABLE MR.JUSTICE G.CHOCKALINGAM

W.A.No.1755 of 2011

K.P.Ranga Nayagi

... Appellant/Petitioner

Vs.

1. The Director of Elementary Education,
College Road, Chennai-6.
2. The Accountant General,
O/o The Accountant General,
Teynampet, Chennai-600 018.
3. The District Treasury Officer,
'B' Block, First Floor,
Collectorate, Sathuvachari,
Vellore.
4. Pattammal ... Respondents/Respondents

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 01.04.2011 made in W.P.No.24756 of 2010 on the file of this Court.

Petition filed under Article 226 of the Constitution of India praying for the issue of a writ of mandamus to direct the respondents 1 to 3 to pay the Family Pension effective May, 2010 with arrears of late K.M.Perumal retired Secondary Grade Teacher, Panchayat Union Elementary School, Poigai, Vellore District to the petitioner who is the legally wedded first wife.

For appellant : Mr.M.G.Harikrishnan

For respondents : Mr.R.Rajeswaran, Spl.G.P. for RR-1 & 3
Mr.V.Vijay Shankar for R-2
Mr.S.Sadhasharam for R-4

JUDGMENT

(The Judgment of the Court was delivered by V.Dhanapalan,J)

Heard Mr.M.G.Harikrishnan, learned counsel appearing for the appellant, Mr.R.Rajeswaran, learned Special Government Pleader appearing for the respondents 1 and 3, Mr.V.Vijay Shankar, learned counsel appearing for the second respondent and Mr.S.Sadhasharam, learned counsel appearing for the fourth respondent.

2. The appellant/writ petitioner and the fourth respondent are claiming the pensionary benefits of the deceased K.M.Perumal, who retired as Secondary Grade Teacher in the Panchayat Union Elementary School, Poigai, Vellore District. They have contested the matter before the learned single Judge and the Writ Petition was filed the appellant/writ petitioner in W.P.No.24756 of 2010, for issuance of a Writ of Mandamus to direct the respondents 1 to 3 to pay the family pension effective May 2010 with arrears of late K.M.Perumal, retired Secondary Grade Teacher, Panchayat Union Elementary School, Poigai, Vellore District to the writ petitioner who is the legally wedded first wife and the said Writ Petition was dismissed by the learned single Judge by the impugned order, dated 01.04.2011, against which, the writ petitioner is on appeal before this Court.

3. The appellant/writ petitioner and the fourth respondent are present in Court today and the learned counsel appearing for both of them, by using their good office, after a long deliberation, have given a resolution to the matter by filing a Memorandum of Compromise, dated 24.02.2015, which has been signed by both of them and their respective counsels, and the same reads as follows:

"Both the appellant and the 4th respondent mutually agree on the terms of compromise as follows:

1. The 4th respondent Pattammal is the wife of late K.M.Perumal died intestate on 30.08.1997 and the appellant is claimed to be the second wife of late K.M.Perumal and both claimed family pension due on account of the death of late K.M.Perumal.

2. The appellant had been receiving the family pension amount from September 1997 till April 2010 and from that amount no amount was shared with the 4th respondent wife of the deceased K.M.Perumal.

3. Since the 2nd respondent following the orders of

this Hon'ble Court passed on 18.05.2010 whereby the claim of the appellant was rejected and since May 2010 the 4th respondent, wife of the deceased K.M.Perumal had been receiving the family pension amount.

4. Since the order of interim stay was granted in the above Writ Appeal on 21.10.2011, the payment of family pension to the 4th respondent has been with-held and the arrears of family pension is due from October 2011.

5. In view of the mutual agreement on the terms of compromise the arrears of family pension due from the 2nd respondent upto date shall be received by the 4th respondent only.

6. Both the parties mutually agree that from February 2015 the amount of family pension as may be paid by the 2nd respondent shall be credited into the account of the 4th respondent wife of late K.M.Perumal and thereafter the 4th respondent shall pay 50% of the total family pension amount every month till her life time to the appellant by issuing a cheque to and in favour of the appellant.

7. Both the parties mutually agree that the appellant shall not be entitled to share any amount from and out of the amount of family pension arrears payable upto date of the 4th respondent wife of late K.M.Perumal in view of the fact that the appellant had appropriated for herself the family pension amount paid from 1997 to April 2010 without sharing any amount with the 4th respondent."

4. In view of the abovesaid terms of compromise, this Writ Appeal is disposed of in terms thereof. No costs. We place on record our appreciation to the learned counsel for the appellant and the learned counsel for the fourth respondent for having brought the family in peace and for their efforts taken therefor in arriving at a settlement of the matter between the parties.

Sd/-

Assistant Registrar(CS II)

//True Copy//

cs

Sub Assistant Registrar

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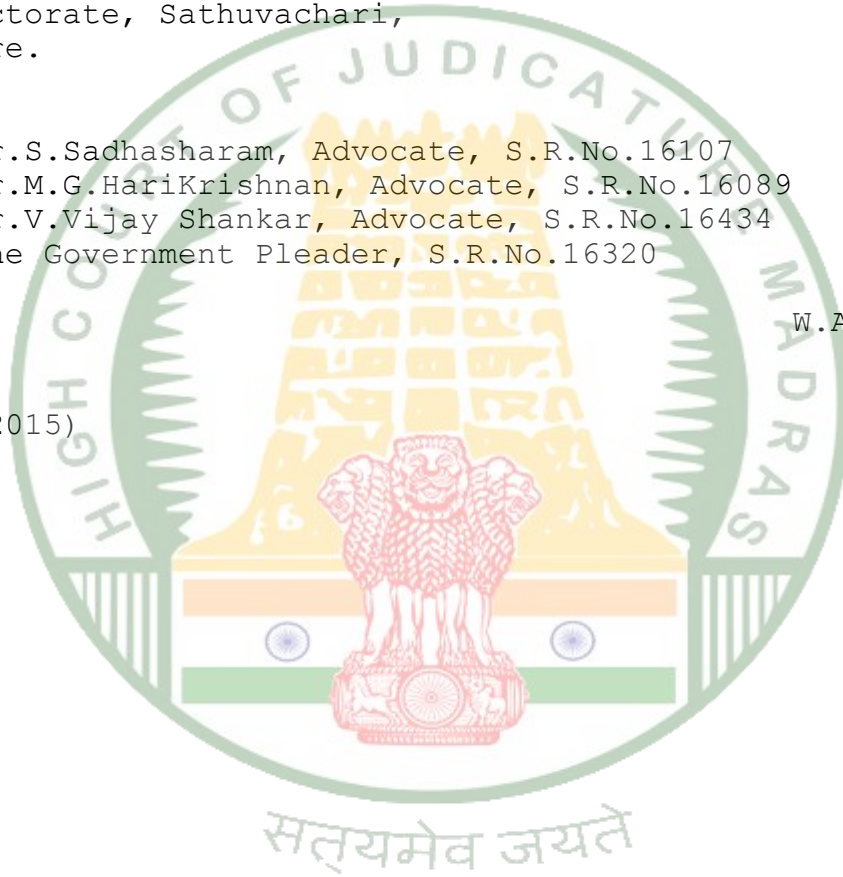
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3. The District Treasury Officer,
'B' Block, First Floor,
Collectorate, Sathuvachari,
Vellore.

+1cc to Mr.S.Sadhasharam, Advocate, S.R.No.16107
+1cc to Mr.M.G.HariKrishnan, Advocate, S.R.No.16089
+1cc to Mr.V.Vijay Shankar, Advocate, S.R.No.16434
+1cc to the Government Pleader, S.R.No.16320

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CA(16/04/2015)



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