

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2015

CORAM:

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

Writ Petition No.22018 of 2014

Lalithammal

.. Petitioner

Vs

1 The Principal Account General (A & E)  
Tamilnadu  
361 Anna Salai  
Teynampet, Chennai-18

2 The Registrar (PDS)  
Cooperative Society registrar Office  
Poonamallee High Road  
Chetpet, Chennai

3 The Deputy Registrar (PDS)  
Public Distribution Office  
Nagercoil  
Kanayakumari

.. Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of Mandamus directing the respondent to sanction and disburse the eligible family pension with arrears and accrued interest to the petitioner on account of the death of her husband Bahilayan

For Petitioner : Mr.R.S.Jain

For Respondents : Mrs.Hema Muralikrishnan for R1  
Mr.D.Venkatachalam for R2 & R3

ORDER

The petitioner is the widow of Thiru Bahulayan, who worked as a Driver in the office of the second respondent at Chennai. Before joining the State service, the petitioner's husband was in military service. The husband of the petitioner died on 18.10.2009 in harness. The petitioner submitted an application for pension and other retirement benefits. The application was not considered by the respondents, resulting in filing this Writ Petition.

2. The learned counsel for respondents 2 and 3, on instructions, submitted that the petitioner is receiving military pension consequent to the death of her husband and that is the reason for not considering her application for State pension.

3. The issue as to whether the receipt of military pension would operate as a bar to claim State pension was considered by this Court in W.P.No.7299 of 2013. This Court, by following an earlier order in Tamil Nadu Arasu Pokkuvarathu Madurai Thozhilalar Sangam vs. Government of Tamil Nadu (2010 (2) CWC 555) held that receipt of military pension is not a bar to receive pension from the State Government.

4. The second respondent is directed to consider and dispose of the representation submitted by the petitioner dated 25.3.2014 on merits and in the light of the order dated 10.1.2014 in W.P.No.7299 of 2013. Such exercise shall be completed within a period of four months from the date of receipt of a copy of this order.

5. The Writ Petition is disposed of with the above direction. No costs.

Sd/-

Asst.Registrar (CS II )

/true copy

Sub Asst. Registrar

ajr

To

1 The Principal Account General (A & E)  
Tamilnadu 361 Anna Salai  
Teynampet, Chennai-18

2 The Registrar (PDS)  
Cooperative Society registrar Office  
Poonamallee High Road Chetpet, Chennai

3 The Deputy Registrar (PDS)  
Public Distribution Office  
Nagercoil Kanayakumari

1 cc to M/s. Hema Muralikrishnan, Advocate, sr. 5762

1 cc to M/s.R.S. Jain, Advocatre, sr. 5720

W.P.No.22018 of 2014

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