

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.25962 of 2015

G.Padmavathi

... Petitioner

Vs.

1 The Chief Educational Officer
Thiruvannamalai District Thiruvannamalai .

2 The Principal Accountant
General O/o. Principal Accountant General
(Accounts & Entitlements) Tamil Nadu No.361
Anna Salai Teynampet Chennai-600 018.

3 Tmt. Dhanapackiyam
No. 2/21 Elarapatti Village Kasturiba
Street Athurkuppam Po Gandhipettai
Tirupattur Town & Taluk Vellore District.
... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd Respondent to pass appropriate orders on the proposal forwarded by the 1st Respondent in Na.Ka.No.1811/A1/2012 dated 29.04.2014 for granting full family Pension in favour of the petitioner from the date of demise of the Petitioners husband Late. Gopalakrishnan with all consequential and other attendant benefits including arrears within a time frame to be fixed by this Honourable Court.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.V.Subbiah for R1
Special Government Pleader
Mr.V.Vijayashankar for R2

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The petitioner would state that her husband has worked as District Educational Officer and retired from service on attaining the age of superannuation on 30.04.1995 and he was receiving

retirement benefits including pension and he suddenly died on 14.10.2005. The petitioner on demise of her husband, submitted an application for payment of pension and however, it was opposed by the second respondent since the third respondent claiming to be second wife of the petitioner's husband made application seeking 50% of family pension and in this regard, has also filed O.S.No.455 of 2008 on the file of the District Munsif Court, Tirupattur to declare as she is one of the legal heirs of late.Gopalakrishnan and is entitled to a share in the family pension. The petitioner herein was arrayed as first respondent. The suit was decreed on 17.12.2013. According to the petitioner, no further appeal was made and it has become final.

3.The petitioner thereafter has submitted application/representation for payment of family pension and the first respondent has also made positive recommendation to the second respondent vide letter in Na.Ka.No.1811/A1/2012 dated 29.04.2014 and since no response is forthcoming, the petitioner came forward to file this writ petition.

4.Heard the submissions of Mr.G.Sankaran, learned counsel appearing for the petitioner, Mr.V.Subbiah, learned Special Government Advocate who accepts notice on behalf of the first respondent and Mr.V.Vijayashankar, learned counsel who accepts notice on behalf of the second respondent.

5.This Court taking into consideration the above facts and circumstances, directs the second respondent to act on the proposal of the first respondent dated 29.04.2014 made in Na.Ka.No.1811/A1/2012 on merits and in accordance with law and pass orders within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

6.The writ petition is disposed of accordingly. No costs.

सत्यमेव जयते

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

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To

1 The Chief Educational Officer
Thiruvannamalai District Thiruvannamalai .

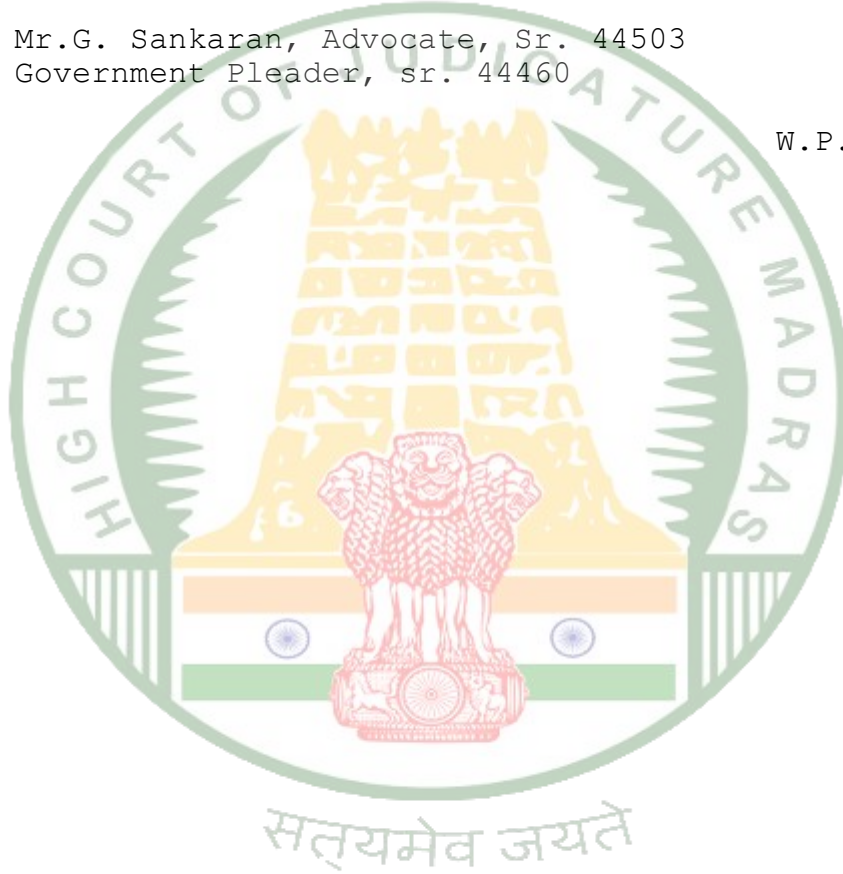
2 The Principal Accountant
General O/o. Principal Accountant General
(Accounts & Entitlements) Tamil Nadu No.361
Anna Salai Teynampet Chennai-600 018.

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1 cc to Mr.G. Sankaran, Advocate, Sr. 44503
1 cc to Government Pleader, sr. 44460

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