

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24-08-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.26337 of 2015

L.V.Lalitha

.. Petitioner

vs

1.The Government of Tamil Nadu
Rep. By the Secretary to Government
Finance (Pension) Department
Fort St. George, Chennai 600 009

2.The Chief Educational Officer
College Road, Chennai 600 009

3.The District Educational Officer
Hosur, Krishnagiri District

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to dispose of the petitioner's representation dated 27.7.2015, wherein the petitioner requested the second respondent to sanction family pension to the petitioner in terms of G.O.(Ms) No.325, Finance (Pension) Department, dated 28.11.2011, and G.O.(Ms) No.165, Finance (Pension) Department, dated 21.5.2012, within a time frame.

For Petitioner : Mr.K.M.Ramesh
for Mr.M.D.Thirunavukkarasu

For Respondents : Mr.S.Gunaseakran
Government Advocate

ORDER

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

2.The petitioner would state that her father viz. Late L.Venkata Subbarao, was employed as a Secondary Grade Teacher in the services of R.V. Government Boys Higher Secondary School, Hosur and retired on 21.7.1973, on attaining the age of superannuation and was in receipt of pension and he died on 4.12.1999, and on his demise, his wife viz. Tmt.L.V.Kamalamma, was getting family pension and she also died on 2.1.2012, leaving behind her unmarried daughter viz. L.V.Lalitha - the petitioner herein. The petitioner would further state that though she is entitled to family pension, as she is unemployed, she is not paid with the same and in this regard, she has also approached the authorities and the third respondent vide letter dated 19.7.2013, has directed the Headmaster of the said School to furnish the service records of her father and it was also furnished.

3.The grievance expressed by the petitioner, is that in spite of the fact that all the relevant particulars and records are available, she is yet to be paid with family pension and in this regard, she has submitted a representation dated 27.7.2015, to the second respondent and since she has not been favoured with any response, came forward to file this writ petition.

4.The learned Counsel appearing for the petitioner, would submit that though the petitioner, as a matter of right, is entitled to get family pension in terms of G.O.(Ms) No.325, Finance (Pension) Department, dated 28.11.2011, and G.O.(Ms) No.165, Finance (Pension) Department, dated 21.5.2012, she is yet to be conferred with such a benefit and hence, prays for appropriate orders.

5.The Court heard the submissions of Mr.S.Gunasekaran, learned Government Advocate, who accepted notice on behalf of the respondents, also.

6.This Court, taking into consideration the limited scope of prayer sought for by the petitioner, directs the second respondent to consider the petitioner's representation dated 27.7.2015, on merits and in accordance with law, after taking note of G.O.(Ms) No.325, Finance (Pension) Department, dated 28.11.2011, as well as G.O.(Ms) No.165, Finance (Pension) Department, dated 21.5.2012, and pass orders thereon within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner. The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To:

- 1.The Secretary to Government
Finance (Pension) Department
Fort St. George, Chennai 600 009
- 2.The Chief Educational Officer
College Road, Chennai 600 009
- 3.The District Educational Officer
Hosur, Krishnagiri District

+1 cc to Mr.M.D.Thirunavukkarasan, Advocate, sr.45047
+1 cc to Govt.Pleader, sr.45166

W.P.No.26337 of 2015

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