

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2015

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P.No.35148 of 2015

Ayesha Darunam

... Petitioner

Vs.

1. The Government of Tamil Nadu
rep by Secretary,
Home Department, Chennai - 9.

2. The Superintendent of Police,
Commercial Crime Investigation Wing,
Criminal Investigation Department,
Chennai - 40.

3. The Superintendent of Police,
District Police Office,
Villupuram District.

4. The Principal Accountant General,
(A & E), Chennai - 18.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the 1st respondent herein to sanction and disburse the half of the family pension and other related pensionary benefits including life time pending arrears and other consequential benefits payable to the petitioner within the limited time frame.

For Petitioner : Mr.T.Dharani

For Respondents : Mr.V.Jayaprakash Narayanan,
Special Government Pleader
(R1 to R3)

Mr.N.Vijay Shankar (R4)

O R D E R

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

2. This writ petition is filed seeking for Mandamus, directing the 4th respondent to sanction and disburse the half of the family pension and other related pensionary benefits including life time pending arrears and other consequential benefits payable to the petitioner.

3. According to the petitioner, her husband viz., Mr. Sri Abdul Azeez was permitted to retire from service as Deputy Superintendent of Police, Commercial Crime Investigation Wing, Criminal Investigation Department, Chennai on 30.09.2009 and after his retirement he has been receiving the monthly pension till the date of his death i.e., on 30.07.2015. Since the petitioner's husband has nominated his first wife as his nominee for the purpose of receiving pension and other benefits, during his life time, the petitioner's husband has made a representation to the 2nd respondent to grant and share the family pension to the petitioner and his 1st wife. After persistence, the 2nd respondent in his proceedings in R.C.No.A6/9293/EOW/2014 dated 20.10.2014 has forwarded the representation of the petitioner's husband to the 3rd respondent to take necessary action and the 3rd respondent, in turn, by his proceedings in Na.Ka.No.Jal/42932/2014 dated 29.11.2014 has sent a proposal to the 4th respondent with regard to the family pension, but till date no steps have been taken to sanction the half of the pension to the petitioner.

4. It is the claim of the petitioner that as per Tamil Nadu Pension Rules 49(7)(a)(I), she is entitled for family pension and in this regard, she has submitted a representation to the respondents on 15.08.2015 and since no orders have been passed, the petitioner came forward to file this writ petition.

5. Heard the submissions of Mr.T.Dharani, learned counsel appearing for the petitioner, Mr.V.Jayaprakash Narayanan, learned Special Government Pleader appearing for respondents 1 to 3 and Mr.N.Vijayashankar, learned counsel appearing for 4th respondent.

6. This Court, taking into consideration the limited scope of prayer sought for by the petitioner and without going into the merits of the same, directs the 4th respondent to

consider and dispose of the petitioner's representation dated 15.08.2015 on merits and in accordance with law and pass orders within a period of eight weeks from the date of receipt of a copy of this order.

The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vsm

To

1. The Secretary to Government of Tamil Nadu
Home Department, Chennai - 9.
2. The Superintendent of Police,
Commercial Crime Investigation Wing,
Criminal Investigation Department,
Chennai - 40.
3. The Superintendent of Police,
District Police Office,
Villupuram District.
4. The Principal Accountant General,
(A & E), Chennai - 18.

+1cc to Mr.T.Dharani, Advocate, S.R.No.59785
+1cc to the Government Pleader, S.R.No.60113

W.P.No.35148 of 2015

AD(CO)
CA(27/11/2015)

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