

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2015

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.37930 of 2015

P.Rani

..Petitioner

Vs

1. State of Tamil Nadu
Rep. by its Principal Secretary to Government
Finance (Pension) Department,
Fort St.George, Chennai-600 009.

2. The Office of the Accountant
General,
(Accounts & Entitlements)
361, Anna Salai, Chennai-600 018.

3. The District Educational Officer,
Kancheepuram District,
Kancheepuram.

..Respondents

Prayer: Petition filed under Article 226 of The Constitution of India, praying for the issuance of a Writ of mandamus directing the 2nd Respondent to consider and pass appropriate orders sanctioning Family Pension to the petitioner in respect of petitioner's late husband's service with the 3rd Respondent with effect from 24.09.2012 as per the letter No.01(05)/2012-D(Pen/Policy) dated 17.01.2013 of the department of Ex-servicemen Welfare, under the Ministry of Defence Government of India within a time frame fixed by this Honourable Court.

For Petitioner .. Mr.S.Sathia Chandran

For Respondent .. Mr.V.Jayaprakash Narayanan
Nos.1 & 3

For Respondent .. Mr.V.Vijay Shankar
No.2

ORDER

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

2. The petitioner is a widow of late D.Perumal, who died on 22.11.2009. His first wife, Mrs.Neelambal, died on 27.12.2002. Thereafter, on 03.11.2003, the petitioner got married with her late husband D.Perumal. It is stated by the petitioner that her husband joined the prestigious Indian Army on 08.11.1956 and was discharged on 26.05.1965. As he had served 9 years in the Indian Army, he was drawing pension for the same. Thereafter, on 19.03.1970, he joined the office of the third respondent as driver and became a permanent employee and got voluntary retirement on 30.04.1992. Subsequently, he was receiving State Pension vide P.P.O.No.A850500 through the Sub-Treasury, Walajabad, Kancheepuram. However, unfortunately, he died on 22.11.2009, leaving behind the petitioner.

3. It is further stated by the petitioner that on account of the fact that her husband served in the Indian Army for nearly 9 years, he has been paid pension and thereafter as he has served as Driver in 3rd respondent Department, he was also paid State Pension by the third respondent. It is the specific claim of the petitioner that as per the proceedings dated 17.01.2013 of the Government of India, Ministry of Defence, Department of Ex-servicemen Welfare, New Delhi in Letter No.01(05)/2012-D(Pen/Policy), she is eligible for family pension payable from Army as well as from civil side and in this regard, she has submitted representations dated 01.04.2014 and 01.08.2014. Though it was received and acknowledged, she is yet to be favoured with any kind of response and hence, came forward to file this writ petition.

4. Heard the submissions of Mr.S.Sathia Chandran, learned counsel appearing for the petitioner and Mr.V.Jayaprakash Narayanan, learned Special Government Pleader, who accepts notice on behalf of the respondents 1 & 3 and Mr. V.Vijaya Shankar, learned counsel for respondent No.2.

5. This Court, taking into consideration the above facts and circumstances, directs the petitioner to submit one more representation to the respondents by enclosing a copy of this order as well as copy of the earlier representations dated 01.04.2014 and 01.08.2014 within a period of two weeks from the date of receipt of a copy of this order and the respondents, on receipt of the same, are directed to consider the same on merits and in accordance with law and

pass orders, after taking note of the above said communication of the Ministry of Defence dated 17.01.2013, within a period of six weeks thereafter and communicate the decision taken, to the petitioner. The writ petition is disposed of accordingly. No costs.

Sms

Sd/-

Assistant Registrar (CS-V)

/True Copy/

Sub-Assistant Registrar

To

1. The Principal Secretary to Government
Finance (Pension) Department,
State of Tamilnadu
Fort St.George, Chennai-600 009.
2. The Office of the Accountant
General,
(Accounts & Entitlements)
361, Anna Salai, Chennai-600 018.
3. The District Educational Officer,
Kancheepuram District,
Kancheepuram.

+1 C.C. To Government Pleader in SR.NO.65193

W.P.No.37930 of 2015

AK(CO)

sd : 29/12/2015

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