

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2015

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THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P.No.38973 of 2015

and MP.No.1 of 2015

M.Amsaveni

... Petitioner

Vs.

1.The Director
Tamil Nadu State Health Transport Department
Guindy, Chennai-32

2.The Workshop Superintendent
Regional Workshop (Health)
Salem-7

3.The Accounts Officer,
Office of the Principal Accountant General
(Accounts and Entitlements) - Tamil Nadu
No.361, Anna Salai, Chennai-18.

4.Pushpa

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus to direct the first and third respondent to sanction pension payment order in favour of the petitioner and consequently to pay all pension payment arrears payable to the petitioner from the death of petitioner husband (late) Sudhakar on 25.06.2014.

For Petitioner : Mr.T.Ramkumar

For Respondents : Mr.S.Gunasekaran, GA for R1 and R2.
Mr.V.Vijay Shankar for R3.

O R D E R

This writ petition is filed for issuance of writ of mandamus directing the respondents 1 and 3 to sanction pension payment order in favour of the petitioner and consequentially to pay all pension payment arrears payable to petitioner's husband Sudhakar (late) died on 25.06.2014.

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2.The case of the petitioner is that her husband S.Sudhakar was working as a Special Artisian in the office of the second respondent. While he was in service he died due to his ill health on 25.06.2014.

3.The petitioner would further state that as per Tamil Nadu Pension Rules, she is entitled to receive pension, but the respondents refused to pay pension due to the pendency of the civil litigation between the petitioner and the fourth respondent herein.

4.Mr.T.Ramkumar, learned counsel for the petitioner submitted that the fourth respondent is the mother-in-law of the petitioner and she has filed suit in OS.No.953 of 2014 before the District Munsif Court, Salem claiming share in the retirement benefits, but the civil court has not granted any injunction in favour of the fourth respondent and there is no hurdle for the respondents to consider the representation of the petitioner.

5.Heard the submissions of Mr.T.Ramkumar, learned counsel appearing for the petitioner and M/s.S.Gunasekaran, Government Advocate and Mr.V.Vijayshankar, learned counsel who accepts notice on behalf of the respondents.

6.Though the petitioner prayed for a larger relief, this Court in the light of the facts and circumstances and without going into the merits of the case, directs the respondents 1 to 3 to consider and dispose of the petitioner's representations dated 07.10.2014, February and July 2015 and pass orders on merits and in accordance with law after affording an opportunity to the petitioner as well as the 4th respondent, within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

7.The Writ Petition is disposed of accordingly. No costs. Consequently connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1.The Director
Tamil Nadu State Health Transport Department
Guindy, Chennai-32

2.The Workshop Superintendent
Regional Workshop (Health)
Salem-7

3.The Accounts Officer,
Office of the Principal Accountant General
(Accounts and Entitlements) - Tamil Nadu
No.361, Anna Salai, Chennai-18.

+1cc to Mr.V.Vijay Shankar, Advocate, S.R.No.66865
+1cc to Mr.T.Ramkumar, Advocate, S.R.No.66787
+1cc to the Government Pleader, S.R.No.66918

W.P.No.38973 of 2015.

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srg 11/01/2016



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