

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.4791 of 2015

Mrs.Brindhavathi

... Petitioner

Vs.

1. The Treasury Officer,
Kancheepuram,
Kancheepuram District.

2. The Assistant Treasury Officer
Sub-Treasury, Tambaram
Tambaram.

... Respondents

Prayer:

Petition filed under section 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to receive and consider the petitioner's application for the grant of family pension on the death of government servant or pensioner (Form-14) in respect to my husband Mr.J.Vijayamani, vide P.P.O.No.2302352 to the petitioner.

For Petitioner : Mr.V.Vijayakumar

For Respondent : Mr.V.Jayaprakash Narayanan
Special Government Pleader

O R D E R

Heard Mr.V.Vijayakumar, learned counsel appearing for the petitioner and Mr.V.Jayaprakash Narayanan, learned Special Government Pleader appearing for the respondents.

2.Petitioner has filed this writ petition to direct the respondents to receive and consider her application for grant of family pension on the death of her husband Mr.J.Vijayamani who died on 16.04.2014.

3.The facts of the case are not in dispute and therefore, they are not gone into, moreso, in the light of the submission made on behalf of the respondents accepting the petitioner's entitlement for grant of family pension.

4.The respondents in the written instructions submitted that the intimation regarding the demise of the petitioner's husband was not furnished to the Department till 26.02.2015. Pension of the petitioner's husband for the period from April, 2014 to July, 2015 being a sum of Rs.33,815/- has been credited to his pension account. It is further submitted that since life certificate was not produced by the petitioner's husband, the pension was stopped from August, 2014. After receipt of the letter intimating the demise of the petitioner's husband and after receiving the opinion from the Government Pleader, the respondents pressed the Bank to return the money which was remitted to the petitioner's pension account. The Bank Authority informed the respondents that the petitioner's husband had availed a personal loan and the amount which was remitted and lying in the pension account has been adjusted towards personal loan. Therefore, the respondents have approached the petitioner and requested her to furnish Form 14 so as to enable her to receive family pension and accordingly, the petitioner has also submitted the same along with death certificate on 27.02.2015. Thereafter, the respondents have intimated the petitioner to remit the sum of Rs.33,815/- which the petitioner was also ready and willing to remit and if the amount is remitted by the petitioner, the family pension will be sanctioned as per the rules.

5.In the light of the above and taking note of the willingness of the petitioner to remit the sum of Rs.33,815/-, the respondents are directed to consider and grant family pension to the petitioner within a period of three weeks from the date on which the amount of Rs.33,815/- is remitted to the second respondent.

6.The writ petition is disposed of with the above observations. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Treasury Officer,
Kancheepuram,
Kancheepuram District.
2. The Assistant Treasury Officer
Sub-Treasury, Tambaram
Tambaram.

+1cc to Mr.V.Viyaya Kumar, Advocate, S.R.No.67119
+1cc to the Government Pleader, S.R.No.16339

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TEJ(CO)
CA(27/03/2015)



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