

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2015

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.8791 of 2015

B.Mallika

... Petitioner

Vs.

The Principal Accountant General,
Office of Principal Accountant General,
(Accounts and Entitlements) Tamil Nadu,
361, Anna Salai,
Chennai-18.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to disburse the family pension to the petitioner of her deceased husband Balan.

For Petitioner : Ms.R.Kamala Rani

For Respondent : Mr.V.Vijay Shankar

O R D E R

According to the petitioner that her husband Mr.Balan was working as an Office Assistant in the Co-Operative Milk Producers' Federation and he retired from service on attaining the age of superannuation on 31.08.1994.

2. The petitioner would further state that she is the legally wedded wife of the said Balan and till his death on 31.03.2004, he was received pension from the respondent. Thereafter, due to nomination of one Mrs.Nesammal, she received pension despite the claim made by the petitioner and she also died recently. Therefore, the petitioner has made a representation dated 17.02.2015 to the respondent seeking family pension, but it was not considered so far. Hence, she has come forward to file the present writ petition.

3. The respondent had filed counter admitting the fact that the husband of the petitioner was working in the Department of Milk Production and Dairy Development from 13.02.1956 to 31.01.1981 and later, he joined as an Office Assistant in Co-Operative Milk Producers' Federation on 01.02.1981 and he retired from service on 31.08.1994.

4. It is further stated that since one Mrs.Nesammal was mentioned as the wife of said Balan, the respondent had paid the family pension to her. The petitioner was directed to submit relevant records for sanctioning of family pension. But there is no response from the petitioner for the past 10 years. If the petitioner produces sufficient proof, the respondent will consider the claim of the petitioner.

5. This Court heard the submissions of Ms.R.Kamala Rani, learned counsel appearing for the petitioner and Mr. V.Vijay Shankar, learned counsel appearing for the respondent.

6. This Court, in the light of the above facts and circumstances, permits the petitioner to submit one more representation to the respondent by enclosing a copy of this order as well as copy of relevant records within a period of two weeks from the date of receipt of a copy of this order. The respondent, on receipt of the same, is directed to consider the said representation on merits and in accordance with law and pass orders within a period of eight weeks therefrom and communicate the decision taken to the petitioner.

7. With the above direction, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(J)

True Copy

Sub Assistant Registrar

To

The Principal Accountant General,
Office of Principal Accountant General,
(Accounts and Entitlements) Tamil Nadu,
361, Anna Salai,
Chennai-18.

+lcc to Mr.V.Vijay Shankar, Advocate Sr.63135
+lcc to M/S.Kamalarani, Advocate Sr.62993

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srg 10/12/2015



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