



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.(MD)No.18280 of 2014

and

M.P.(MD)No.1 of 2014

MARIAMMAL

.. Petitioner

Vs.

1. THE JOINT DIRECTOR,
LOCAL FUND AND AUDIT DEPARTMENT,
4TH FLOOR,
KURALAGAM, CHENNAI 108.
2. THE COMMISSIONER,
ARUPPUKKOTTAI MUNICIPALITY, ARUPPUKKOTTAI,
VIRUDHUNAGAR DISTRICT.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned orders of Na.Ka.No.6695/2010/P2, dated 11.04.2014 and Na.Ka.No.12507/NaOSa 6/2014 dated 28.04.2014 passed by the 2nd and 1st respondents respectively and quash the both impugned orders and consequently direct the respondents to disburse monthly family pension and family security fund of Rs.25,000/- to the petitioner.

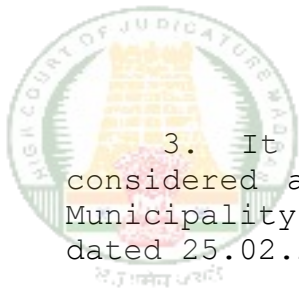
For Petitioner :Mr.R.Murugappan

For Respondents :Mr.M.Rajarajan
Government Advocate

ORDER

The writ petition is filed challenging the order of the respondents 1 and 2 whereby it is stated that the claim of the petitioner seeking for family pension will be considered only after she obtained the succession certificate from the competent Civil Court.

2. It is seen that the petitioner is the second wife of the deceased employee. It is further stated that the first wife has already passed away and the petitioner is in possession of the death certificate of the first wife and produced the same before the respondents for disbursing the family pension to the petitioner. It is also seen that the petitioner through her representation dated 17.12.2013 sought for disbursement of family pension by enclosing the death certificates of the first wife, her husband and her legal heirship certificate.



3. It is further seen that the petitioner's request is also considered and a proposal is made by the Commissioner of Aruppukkottai Municipality, who is the second respondent herein through proceedings dated 25.02.2014 to the first respondent.

4. When that being the factual position, the present impugned order passed by the respondents 1 and 2 once again without reference to the other certificates given by the petitioner viz., the death certificate of his wife and the legal heirship certificate showing the petitioner as the legal heir of the deceased, cannot be sustained. Therefore, I am of the considered view that the respondents 1 and 2 have to consider the claim of the petitioner based on the certificates already produced by her through her representation dated 17.12.2013 and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/
Assistant Registrar

/True copy/

sub Assistant Registrar(c.s)

To

1. THE JOINT DIRECTOR,
LOCAL FUND AND AUDIT DEPARTMENT,
4TH FLOOR,
KURALAGAM, CHENNAI 108.
2. THE COMMISSIONER,
ARUPPUKKOTTAI MUNICIPALITY, ARUPPUKKOTTAI,
VIRUDHUNAGAR DISTRICT.

+1cc to M/S.R.Murugappan, Advocate in SR.No. 12154

+1cc to Special Government Pleader in SR.No 12391.

TS/19.03.2015/2P-5C

W.P(MD)No.18280 of 2014

12.03.2015