



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.10.2015

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P (MD) No.18190 of 2015

P.Dharani ... Petitioner

Vs.

1.The Accountant General (Accounts & Entitlement),
Office of the Accountant General (Tamil Nadu),
Anna Salai,
Chennai.

2.The Dean,
Madurai Medical College,
Madurai - 20,
Madurai District.

3.The District Treasury Officer,
District Treasury,
Collectorate,
Madurai - 20,
Madurai District.

... Respondents

PRAYER:- Writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the third respondent to release the family pension to the petitioner within the time stipulated by this Court.

For Petitioner : Mr.N.Tamilmani

For R - 1 : Mr.P.Gunasekaran

For RR 2 & 3 : Mrs.S.Bharathi
Government Advocate

ORDER

This Writ Petition has been filed by P.Dharani, seeking a Writ of Mandamus, directing the third respondent to release the family pension to the petitioner.

2. Mr.P.Gunasekaran, learned counsel takes notice for the first respondent and Mrs.S.Bharathi, learned Government Advocate takes notice for the respondents 2 and 3.



3. The petitioner's husband late.A.Pandi served as a Medical Assistant in the second respondent office for about 37 years and retired from service after reaching the age of superannuation on 31.01.2004. After receiving pension vide P.P.O.No.C253943, unfortunately, he passed away on 13.10.2011. During his lifetime, after the death of his first wife Malliga @ Shanmuga Vadivu, the petitioner was married as a second wife and from and out of the wedlock, the petitioner had begotten a son Sivaraman, through the first wife, late.Pandi had two children, viz., Murugan and Meenakshi. Further, they have also given No Objection Certificate for the petitioner being the son of the legally wedded second wife of late Pandi. After the death of the first wife, even though the legal heirs of the first wife, namely, Murugan and Meenakshi, had furnished the document/No Objection Certificate, the respondents have not come forward to pay pension. Hence, this Writ Petition.

4. Mrs.S.Bharathi, learned Government Advocate appearing for the respondents 2 and 3 would submit that they have called for the following particulars, namely, the photocopy of the petitioner, specimen signature send by the Dean, namely drawing officer, formal application claimed for family pension, descriptive role of the petitioner, age proof of daughter Meenakshi, who appears to be unmarried, proof of marriage of the petitioner with her husband late.Pandi and original pension payment order vide P.P.O.No.C253943, but the petitioner has not furnished the same till date.

5. After receipt of the entire aforementioned documents, the first respondent would apportion half of the pension and each half would be given to the petitioner and the legal heir of the first wife, Murugan and Meenakshi, if eligible. The above statement is recorded.

6. In view of the above, the petitioner is directed to furnish the aforementioned documents. On receipt of the documents, the first respondent shall do the further needful within a period of one month from the date of receipt of a copy of this order.

7. The Writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS-II)

/True copy/

Sub Assistant Registrar

ps



To

1.The Accountant General (Accounts & Entitlement),
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Madurai District.

3.The District Treasury Officer,
District Treasury,
Collectorate,
Madurai - 20,
Madurai District.

+one cc to Mr.P.Gunasekaran, Advocate in Sr.NO.59811

+one cc to Mr.N.Tamilmani, Advocate in SR.No.59637

+one cc to The Special Government Pleader in SR.No. 59762

CSL/SKS-RR/27.11.2015

3p/7c

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