

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

Writ Petition No.35571 of 2016

and

W.M.P.No.30580 of 2016

D.Lakshmi

... Petitioner

vs.

1. The Senior Accounts Officer,
Office of the Principal Accountant General,
(A & E) Tamil Nadu,
No.361, Anna Salai,
Chennai - 600 018.

2. The District Educational Officer,
Tirupur District,
Tirupur.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the 2nd respondent to sanction and pay the pension to the petitioner under the family pension scheme by considering her representation dated 05.10.2015.

For Petitioner : Mr.S. Thangavel

For Respondents : Mr.S.N.Parthasarathi,
Gov. Advocate.

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for a Writ of Mandamus, directing the 2nd respondent to sanction and pay the pension to the petitioner under the family pension scheme by considering her representation dated 05.10.2015.

3. It is the case of the petitioner that initially the petitioner's husband got married to one Savithiri, who is own sister of the petitioner and had a son and daughter. Later, on 12.01.1986, he married the petitioner while his marriage with Savithiri was subsisting. Out of the wedlock, they were blessed with a son by name Manoj. The said Savithiri died on 17.01.1998 leaving behind her son and a daughter as her legal representatives and they got married and are living separately with their families.

4. The husband of the petitioner, Doraisamy, who was working as a Special Grade Secondary Grade Assistant at the office of the Head Master in the Government High School, Pandiyan Nagar, Tirupur, retired on 31.03.2009 and he received his pension till his death on 29.07.2012. Now, the petitioner is the only person entitled to the family pension of her husband as per the provisions contained in Sub-rule 7 (a) (i) of Rule 49 of the Tamil Nadu Pension Rules, 1978.

5. Though the petitioner repeatedly approached the 2nd respondent from July 2012 onwards, the 2nd respondent has not sanctioned family pension to her. On 05.10.2015, petitioner sent a detailed representation along with supporting documents to the 2nd respondent, but, no steps have been taken till date. Hence, the petitioner has come forward with the present petition.

6. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the second respondent to consider the representation of the petitioner dated 05.10.2015 with regard to sanction of pension to the petitioner under the family pension scheme and pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

7. With the above direction, this petition is disposed of.
No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

mrp

To

1. The Senior Accounts Officer,
Office of the Principal Accountant General,
(A & E) Tamil Nadu,
No.361, Anna Salai,
Chennai - 600 018.

2. The District Educational Officer,
Tirupur District,
Tirupur.

+1 CC to Government Pleader, High Court, Chennai. Sr.No.57836

+1 CC to Mr.S.Thangavel, Advocate Sr.No.57457

W.P.No.35571 of 2016

SKV(CO)
RRI(16.11.2016)

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