

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.36704 of 2016

A.Sri Rangammal

... Petitioner

Vs.

1 The Principal Accountant General (A&E),  
Tamil Nadu Circle,  
261, Anna Salai,  
Chennai - 600 002.

2 The Divisional Engineer,  
Highways & Rural Works Department,  
Udhagamandalam - 643 001.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to sanction and settle the family pension, other related benefits to the petitioner within a reasonable time fixed by this Honourable Court along with interest at 12% p.a. for the belated payment.

For Petitioner : Mr.P.Kalimuthu

For Respondents : Mr.K.Dhananjayan  
Special Government Pleader

O R D E R

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

2.The present writ petition has been filed seeking a Mandamus directing the respondents to sanction and settle the family pension, other related benefits to the petitioner within a reasonable time fixed by this Honourable Court along with interest at 12% p.a. for the belated payment.

3.The petitioner who is aged about 80 years would state that her husband was working as the Road Gang Mazdoor under the second respondent and he died on 20.06.1998 leaving behind his wives namely, Rangammal/ first wife/ the petitioner herein, Subbathal/ second wife, a daughter born to the first wife and a son born to the second wife as his legal heirs and they are all living together. The petitioner's husband received retiral benefits properly till he was alive and after his death, the petitioner approached the respondents to sanction family pension to Subbathal, but the same was returned stating that the second wife of the Government Employee is not eligible to get family pension. Hence, the petitioner made a representation to the respondents dated 13.11.2015 requesting them to sanction family pension to her, but the same was not considered so far. Hence, this petition.

4.Heard the submissions of the learned counsel appearing for the petitioner and the learned Special Government Pleader who takes notice for the respondents.

5.Considering the submissions made on either side and without going into the merits of the case, this Court directs the petitioner to give a fresh representation along with a copy of this order, to the respondents, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the respondents are directed to consider the said representation and pass appropriate orders, strictly on merits and in accordance with law, within a period of four weeks thereafter.

6.It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner and it is for the respondents to decide the matter, purely on merits.

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

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

- 1 The Principal Accountant General (A&E),  
Tamil Nadu Circle,  
261, Anna Salai,  
Chennai - 600 002.
- 2 The Divisional Engineer,  
Highways & Rural Works Department,  
Udhagamandalam - 643 001.

+1cc to M/S.P.Kalimuthu, Advocate Sr.59264

+1cc to the Government Pleader Sr.60157

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srg 24/10/2016



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