

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2016

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

W.P. No. 37476 of 2016

V.B. Mark Jayaseelan Paul

..Petitioner

Vs.

1. The Secretary to Govt.,
Health and Family Welfare
Department,
Government of Tamil Nadu,
Secretariat, Chennai - 600 009.
2. The Director of Public Health and
Preventive Medicine,
359, Anna Salai, Chennai - 600 006.
3. The Deputy Director of Public Health
and Preventive Medicine,
Salem.
4. The Accountant General,
Anna Salai, Chennai - 600 006. ..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the 1st respondent to issue required G.O. sanctioning the statutory interest payment at the rate of 12% p.a. on the delayed payments and on the lines mentioned thereon at the concluding para of affidavit as well based on the representation dated 05.07.2016 by the petitioner to meet both ends of justice and pass orders on merits and in accordance with law within a time frame that may be stipulated by this Hon'ble Court.

For Petitioner
For Respondents

:: Mr.A.S. Palanisamy
:: Mr.K. Dhananjayan,
Special Govt. Pleader for
R1 to R3
Mr.V. Vijayashankar for R4

O R D E R

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

2. The petitioner claims to be the sole legal heir of one P.H. Sweetlin Sugirtha Bai, who worked as a nurse in Primary Health Centre, Nangavalli, Mettur Taluk, Salem District and she died on 25.04.1997. According to the petitioner, even during the currency of the first marriage, he had married the sister of his first wife. However, after the demise of his first wife, his second wife, had obtained legal heirship certificate and applied for family pension and it was also sanctioned. The petitioner, thereafter, obtained legal heirship certificate on 08.06.2007 declaring that he is the sole legal heir of his first wife and in this regard, he submitted a representation to the 1st respondent on 19.06.2012 claiming pension. Since the said representation was not disposed of, he filed W.P. No. 24509 of 2012 and vide order dated 30.01.2015, this Court had directed the 1st respondent herein to consider and dispose of the petitioner's representation dated 19.06.2012 within a time limit. The 1st respondent, in pursuance of the same, has granted family pension and Death-cum-Retirement Gratuity. The grievance expressed by the petitioner is for the belated payment, he is entitled to interest @ 12% per annum with effect from 25.04.1997, the date of death of his first wife till the date of payment on 22.04.2016 and in this regard, he has submitted a representation dated 30.08.2016 to the 1st respondent. Since the said representation has not been disposed of, the petitioner has come forward with the present writ petition.

3. Heard Mr.A.S. Palanisamy, learned counsel for the petitioner and Mr. K. Dhananjayan, learned Special Government Pleader, who accepts notice on behalf of respondents 1 to 3 and Mr.V. Vijayashankar, learned counsel, who accepts notice on behalf of the 4th respondent.

4. Though the petitioner has prayed for a larger relief, this Court, in the light of the facts and circumstances of the case, without going into the merits, directs the 1st respondent to consider and dispose of the petitioner's representation dated 30.08.2016, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.

The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Secretary to Govt.,
Health and Family Welfare
Department,
Government of Tamil Nadu,
Secretariat, Chennai - 600 009.
2. The Director of Public Health and
Preventive Medicine,
359, Anna Salai, Chennai - 600 006.
3. The Deputy Director of Public Health
and Preventive Medicine,
Salem.
4. The Accountant General,
Anna Salai, Chennai - 600 006.

+1CC to Govt.Pleader CC SR No.72068

+1CC to M/s.A.S.Palanisamy, Advocate CC SR No.71888

SA(CO)
SK(22/12/2016)

सत्यमेव जयते

W.P. No. 37476 of 2016

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