

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.40389 of 2016

and W.M.P.No.34460 of 2016

K.Meenakshi Petitioner

Vs

1 The Accountant General
office of the Accountant General (A & E) No.
361 Anna Salai Teynampet Chennai 600 018

2 The Pension Officer
Pension Pay Office 1st Floor EVK Sampath
Maaligai DPI Campus College Road Chennai
600 006

.... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus directing the respondents to issue a Duplicate Pension Payment Order in PPO No.T2760 to the petitioner enabling her to receive the arrears of family pension since May 2012 to till date and the monthly family pension within a stipulated time.

For Petitioner : Mr.Ralph V. Mahonar
For Respondents : Mr.V.Vijay Shankar,
for R1
Mr.K. Dhananjayen
Spl. Govt. Pleader,
for R2

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 mandamus, directing the respondents to issue a Duplicate Pension Payment Order in PPO No.T2760 enabling her to

receive the arrears of family pension since May 2012 to till date and the monthly family pension within a stipulated time.

3. It is the case of the petitioner that her husband R.Krishnamurthy was employed at "The Hindu High School, Triplicane, Chennai-5" and retired from service in the month of May 1973. During his life time, he received pension in PPO No.T2760 through Bank of Baroda, Mylapore Branch in Account No.05270100009001. While so, her husband died on 19.5.2012 and during his life time, he misplaced the pension payment order in the year 2005. Therefore, he immediately took proper steps to obtain a duplicate of the same and after a long struggle, the second respondent issued a Loss Certificate recording that the PPO in PPO No.T2760 was lost. While that being so, after the death of her husband, his pension was continuously credited by mistake in the bank account from May 2012 to January 2013. When the mistake was noticed by the petitioner, she immediately informed the second respondent and returned the credit amount of Rs.76,922/-. Thereafter, she requested the respondents to issue the duplicate pension payment order to her. But, the same was not given to her. In this regard, she made representation dated 18.8.2016 to the second respondent and on receipt of her representation, the second respondent through his letter dated 29.8.2016 in RC.No.2760/E2/2016 addressed to the first respondent, requested as follows:-

" A thorough search was made in this office and the disburser's halves and old audit volume were not traceable. In this connection, it is required to provide the pensioner details and his pension details in respect of Thiru R.Krishnamurthy, holder of PPO No.T2760 to this office for issue of Duplicate Pension Book and commence the family pension. As the applicant is 90 years of age, an early reply may be sent to this office. "

Even thereafter, the respondents did not issue the duplicate pension payment order. Hence, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioner, learned counsel, who has taken notice on behalf of the first respondent and the learned Special Government Pleader, who has taken notice on behalf of the second respondent.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim projected by the petitioner,

this Court directs the petitioner to send a fresh representation along with a copy of this order to the second respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the second respondent is directed to consider the said representation seeking Duplicate Pension Payment Order in PPO No.T2760 to enable her to receive the arrears of family pension since May 2012 to till date and the monthly family pension, and pass appropriate orders, on merits and in accordance with law, within a period of two weeks thereafter. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

sbi

To

- 1 The Accountant General
office of the Accountant General (A & E)
No.361 Anna Salai Teynampet Chennai 600 018
- 2 The Pension Officer
Pension Pay Office 1st Floor EVK Sampath
Maaligai DPI Campus College Road Chennai
600 006

+1cc to Mr.Ralph V. Marohar, Advocate, S.R.No.66351
+1cc to the Government Pleader, S.R.No.67096

ss (CO)
md(28/11/2016)

W.P.No.40389 of 2016