

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.40843 of 2016

P.Shanmugam

... Petitioner

Vs.

1.The Accountant General of Tamil Nadu,
Anna Salai,
Chennai - 600 018.

2.The Treasury Officer,
District Treasury,
Vellore.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to accept the petitioner's application for family pension in Form 14 dated 01.10.15 and process the same and to sanction family pension to the petitioner on the basis of the nomination made in PPO.No.C 158973/EDA.

For Petitioner : Mr.G.Jeremiah

For Respondents : Mr.V.Vijay Shankar for R1

Mr.K.Dhananjayan for R2

Special Government Pleader

ORDER

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 accept the petitioner's application for family pension in Form 14 dated 01.10.2015 and process the same and to sanction family pension to the petitioner on the basis of the nomination made in PPO.No.C 158973/EDA.

3.The petitioner would state that he is a retired Secondary Grade Teacher who retired from service on 31.05.1990 under the Voluntary Retirement Scheme, after having put in more than 35

years of service. He would further state that on 13.05.1956, he married one N.R.Saraswathi, a Secondary Grade Headmistress and she died in harness on 22.11.1979. Thereafter, the petitioner married her younger sister Kannammal and she is a retired Secondary Grade Teacher. The petitioner was receiving family pension from the Government after the death of his first wife and the fact the he married for the second time was known to the department as he intimated them.

4.The petitioner would further state that the family pension received by him after the demise of his first wife was stopped by Assistant Treasury Officer with effect from May, 2005 and a sum of Rs.3,27,465/- was ordered to be recovered from his personal pension. Hence, he filed W.P.No.35023 of 2005 obtained an interim order of stay of recovery. Now, after the death of his second wife on 27.07.2015, the petitioner submitted an application in Form 14 to the second respondent on 01.10.2015 for family pension, as he was nominated to receive the family pension in PPO.No.C 158973/EDA and the second respondent vide proceedings dated 23.11.2015 sought for clarification from the first respondent as to whether he is entitled to receive family pension. Thereafter, no action was taken but the copy of the proceedings dated 23.11.2015 along with his application was sent to the petitioner. Hence, this petition.

5.Heard the submissions of the learned counsel appearing for the petitioner, the learned counsel who takes notice for the first respondent and the learned Special Government Pleader who takes notice for the second respondent.

6.Considering the submissions made on either side and without going into the merits of the case, this Court directs the petitioner to represent the application in Form 14, 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 application and process the same and pass appropriate orders with regard to the sanctioning of family pension, if the petitioner is eligible, on merits and in accordance with law, within a period of six weeks thereafter.

7.The writ petition is disposed of accordingly. No costs.
Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Accountant General of Tamil Nadu,
Anna Salai,
Chennai - 600 018.

2.The Treasury Officer,
District Treasury,
Vellore.

+1cc to Mr.G. Jeremiah, Advocate, S.R.No.67991

+1cc to the Government Pleader, S.R.No.68359

ala(CO)
md(09/12/2016)

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