

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2016

CORAM

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.4099 of 2016

Gandhimathi

... Petitioner

Vs.

1. The Director,
Panchayat Finance Accounts & Auditing,
Kuralagam, IV Floor,
Chennai-600 108.

2. The Commissioner,
Panchayat Union,
Madakurichi,
Erode Taluk,
Erode District.

... Respondents

Prayer: Petition filed under Article 226 of The Constitution of India praying to issue a writ of Mandamus, directing the respondents to give pension to the petitioner's brother Kumar by considering her representations dated 08.12.2014 and 14.03.2015

For Petitioner : Mr.M.Guruprasad

For Respondent : Mr.M.Digvijayapandian,
Nos.1 & 2 Additional Government Pleader

O R D E R

This Writ Petition has been filed by the petitioner seeking a Writ of Mandamus, directing the respondents to give pension to her brother Kumar by considering her representations dated 08.12.2014 and 14.03.2015.

2. Heard Mr.M.Guruprasad, learned counsel for the petitioner. Mr.M.Digvijayapandian, learned Additional Government Pleader for the respondents 1 & 2.

3. The petitioner's mother Pappammal was working as a Noon Meal Organizer at Old Kottai Kumarapalayam Elementary School, Modadurichi Union, Erode District and on attaining the age of superannuation, she retired from service on 31.12.1996.

Thereafter, petitioner's mother was receiving pension from 01.01.1997 as per the proceedings of the respondents in P.P.O.No.12171/99/09 dated 10.08.1999 and R.Dis.No.9914/99/09 dated .08.1999 and R.C.No.07/61014/99 dated 27.10.1999. During her life time, Pappammal requested the respondents to give pension to her insane son Kumar after her death. The petitioner's mother died on 15.09.2013. The petitioner and her brother are the legal heirs of the deceased Pappammal and after her mother's death, since her brother Kumar is an insane and is suffering from Profschizop Hrenia, who is not in a position to eke his livelihood, petitioner made a representation to the first respondent through RPAD on 08.12.2014 with all relevant documents seeking pension for her insane brother. The first respondent returned the said representation by proceedings undated in A.Thi.Mu.No.39963/Ou.O.O.Sa92/2014 and instructed her to approach the second respondent. As per the direction of the first respondent, petitioner made a representation to the second respondent dated 14.03.2015 enclosing all the documents. Till date, there was no response from the respondents.

4.The learned counsel for the petitioner drawing the notice of this Court to Rule 49(6) (iii) of the Tamil Nadu Pension Rules, 1978, submitted that the said Rule clearly shows that the legal heirs of the pensioners, who are suffering from any mental disorder like the petitioner's brother are entitled to get family pension till their life time. He would submit that since the respondents have not considered the petitioner's representations, the petitioner has come forward with the present writ petition.

5.At this point of time, the learned Additional Government Pleader placing on record, the proceedings of the second respondent/Commissioner, Panchayat Union, Modadurichi dated 05.02.2016, stated that the representation of the petitioner would be considered by the second respondent if the following documents are produced for verification:

- 1.Original Death Certificate of Tmt.Papammal W/o.Late Karuppasamy.
- 2.Original Legal Heir Certificate.
- 3.Medical Certificate pertaining to present Status of Mr.Kumar, who has been affected by the disease Profschizop Hrenia.
- 4.Bank pass book of Mr.Kumar if any or agreement of guardianship if he is unable to perform any work and Bank pass book of the guardian.
- 5.Xerox copy of old Pension book to show that the deceased had received the pension."

6.In reply, the learned counsel for the petitioner submitted that petitioner has already enclosed the above said documents along with her representations to the respondents but however, she is prepared to resubmit the same to the second respondent.

7.Considering the submissions made on either side, this Court directs the petitioner to make a fresh representation enclosing the aforesaid relevant documents along with the copy of this order to the second respondent, within a period of one week, from the date of receipt of a copy of this order. On receipt of the same, the second respondent is directed to consider and dispose of the petitioner's representation on merits and pass appropriate orders in accordance with law, within a period of four weeks thereafter.

8.The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

DP

To

1. The Director,
Panchayat Finance Accounts & Auditing,
Kuralagam, IV Floor,
Chennai-600 108.

2. The Commissioner,
Panchayat Union,
Madakurichi,
Erode Taluk,
Erode District.

+1cc to Mr.M.Guruprasad, Advocate, S.R.No.9302
+1cc to the Government Pleader, S.R.No.8824

W.P.No.4099 of 2016

KK(CO)
CA(22/02/2016)