

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2016

CORAM

THE HON'BLE Mr. JUSTICE M.SATHYANARAYANAN

W.P.No. 42780 of 2016

and

WM.P.No.36712 of 2016

P.Vijaya

...Petitioner

-Vs-

1. The Director of Pensions,
259, Anna Salai, Block 3, 2nd Floor,
DMS compound, Teynampettai,
Chennai - 600 006.
2. The Director,
Local Fund Audit,
Kuralagam 4th Floor,
Chennai - 600 108.
3. The Executive Officer,
Kilkundah Town Panchayat,
Nilgiris District. ...Respondents

This Writ petition is filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus directing the 2nd respondent to give death benefits of K.Palanisamy, who was working as Sanitary worker and died while in service on 12.06.2014 to the petitioner within 3 months.

For Petitioner : Mr.P.Saravanan

For Respondents : Mr.K.Dhananjeyan,
Spl.G.P. for R1 and R2
Mr.T.Jayaramaraj,
Govt.Advocate for R3

O R D E R

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

2. The petitioner would state that her husband K.Palanisamy was working as Sweeper in the service of the 3rd respondent and died in harness on 11.06.2014. The petitioner obtained a legal

heir certificate on 11.09.2014, wherein it has been stated that the legal heir of the deceased K.Palanisamy are the petitioner and her two sons viz., P.Ramesh and Sureshkumar. She submitted an application to the 3rd respondent along with the enclosures for payment of family pension and it was forwarded to the first respondent who also approved the same and allotted PPO No.18066. The petitioner would further state that she has received a sum of Rs.1,50,000/- under the Group Insurance Scheme but the terminal benefits have not been paid to her. In this regard, she submitted a representation dated 06.08.2015 to all the respondents. However, the 2nd respondent, by communication dated 26.10.2015 rejected the application on the ground that the name differs in some documents and therefore, she has to obtain the legal heir certificate with correct particulars and open a bank account in the correct name and submit the same along with Bank introduction letter and make a request and only thereafter, the request of the petitioner for payment of family pension will be considered. The petitioner applied for the same and forwarded her application dated 17.11.2016 along with necessary enclosures. Despite receipt of the same, no orders have been passed so far. Hence, she came forward to file this writ petition.

3. Heard the learned counsel for the petitioner and Mr.K.Dhananjeyan, learned Special Government Pleader, who accepts notice on behalf of the 1st and 2nd respondents and Mr.T.Jayaramaraj, learned Government Advocate who accepts notice on behalf of the 3rd respondent.

4. Though the petitioner prays for a larger relief, in the light of the facts and circumstances, without going into the merits of the contentions raised by the petitioner, this Court directs the 2nd respondent to consider and dispose of the petitioner's representation/application dated 17.11.2016 on merits and in accordance with law within a period of twelve 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. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

vsi

To

1. The Director of Pensions,
259, Anna Salai, Block 3, 2nd Floor,
DMS compound, Teynampettai,
Chennai - 600 006.
2. The Director,
Local Fund Audit,
Kuralagam 4th Floor,
Chennai - 600 108.
3. The Executive Officer,
Kilkundah Town Panchayat,
Nilgiris District.

+1cc to Government Pleader Sr.72235

+1cc to M/S P.saravanan, Advocate Sr.72018

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NRJK (CO)
RVR 19/01/2017



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