

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SURESH KUMAR

W.P.No.47221 of 2006 and

M.P.No.1 of 2006

P.Rajeswari

...Petitioner

-Vs-

1. Chennai Metropolitan Water Supply &
Sewerage Board,
rep. by its Managing Director,
1. Pumping Station Road,
Chennai-600 002.

2. The General Manager,
Chennai Metropolitan Water Supply &
Sewerage Board,
1. Pumping Station Road,
Chennai-600 002.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to release the family pension of the deceased employee late Mr.Palani to the petitioner from the period October 2001 to till date and also to direct the respondents herein to pay the future family pension regularly to the petitioner.

For Petitioner : Mr.A.Sheik Peer

For Respondents: Mr.Sanjay Gandhi AGP

सत्यमेव जयते

O R D E R

Mr.Sanjay Gandhi, the learned Additional Government Pleader takes notice on behalf of the respondents.

2. The prayer in the writ petition is for a writ of mandamus directing the respondents to release the family pension of the deceased employee, late Mr.Palani to the petitioner from the period October 2001 to till date and also to direct the respondents herein to pay the future family pension regularly to the petitioner.

3. The learned counsel for the petitioner submits that the family pension of the petitioner was not given by the respondents for the reason that there was a dispute as to whether the petitioner alone is a legal heir of the deceased employee. In this regard, he has also produced the Judgment of the Civil Court in O.S.No.5142 of 2015 passed by the learned XVII Assistant Judge on 02.06.2016 whereby the Civil Court has declared the petitioner along with his two sons and one daughter as legal heirs of the deceased Government employee.

4. This position is also not disputed by the learned counsel for the respondents.

5. In view of the same, respondents are directed to consider the case of the petitioner for the relief of family pension taking into consideration of the Civil Court decree and Judgment referred to above and pass orders for payment of family pension to the petitioner as well as other legal heirs as per the Civil Court decree.

6. Needful shall be done by the respondents within a period of eight weeks from today.

7. Writ petition is ordered accordingly. Consequently, connected miscellaneous petition is closed. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. Managing Director,
Chennai Metropolitan Water Supply & Sewerage Board,
No.1. Pumping Station Road, Chennai-600 002.

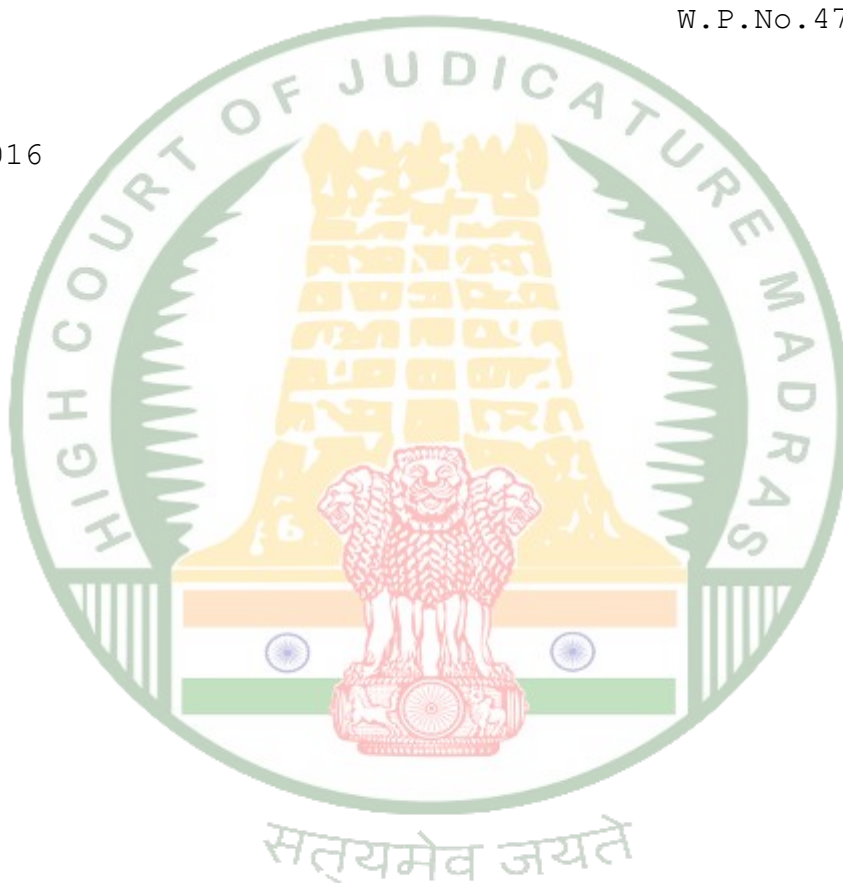
2. The General Manager,
Chennai Metropolitan Water Supply & Sewerage Board,
No.1. Pumping Station Road, Chennai-600 002.

3.The XVII Assistant Judge, City Civil Court,
Madras

+2 ccs to Mr.D.Ramesh Rai Advocate sr 57549

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