



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.08.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD) .No.15143 of 2016

and

W.M.P(MD) No.11153 of 2016

Ayisha Banu

... Petitioner

Vs.

The Superintendent of Police,
Dindigul District,
Dindigul.

... Respondent

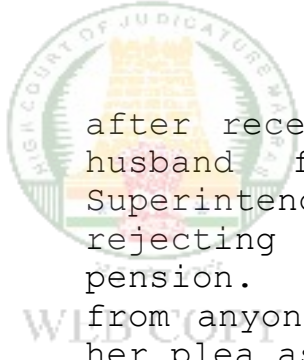
Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records relating in Na.Ka.No.F3/30755/2013, dated 18.09.2013 on the file of the respondent herein and quash the same and consequently directing the respondent to pay the retirement benefits of her deceased husband Thiru.Anwar Seit P.C.1434, who died on 21.12.2003.

For petitioner : Mr.V.Ilanchezian
For Respondent : Mrs.S.Bharathi,
Government Advocate

ORDER

The petitioner Mrs.Ayisha Banu, W/o.late.Anwar Seit, has come to this Court challenging the order, dated 18.09.2013, passed by the Superintendent of Police, Dindigul, refusing the request of the petitioner for payment of family pension.

2. The learned counsel for the petitioner would submit that this petition has to be treated only as a mercy petition, because, after the death of her husband, she was not aware of the dismissal order passed against her husband on 27.08.2001. After verification, she was informed that her husband was removed from service on a complaint made by one Mr.Thirumalai Rajan, Sub-Inspector of Police attached to Kujuliyamparai police station, Dindigul. Immediately, after coming to know about the removal order, the petitioner made a petition under the R.T.I Act and



after receiving the entire papers with regard to removal of her husband from service, she filed a petition before the Superintendent of Police and the same was also dismissed, rejecting the request of the petitioner for payment of family pension. Since she is suffering with children without assistance from anyone, a direction may be given to the respondent to treat her plea as a mercy petition.

3. But, this Court is not able to entertain this Writ Petition for two reasons. First of all, when the petitioner approached the Superintendent of Police, Dindigul, seeking payment of family pension, she has not even challenged the order of removal of her husband, dated 27.08.2001, thereby she allowed it to become final. Secondly, after fifteen years from the date of removal of her husband, the petitioner cannot now ask for payment of family pension on the ground that she is suffering without assistance to maintain the family.

4. In view of the above, this Writ Petition fails and the same is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CSII)

/True Copy/

Sub-Assistant Registrar

To

The Superintendent of Police,
Dindigul District,
Dindigul.

+One cc to M/s.V.Illanchezian, Advocate, SR.No.45917

+One cc to The Special Government Pleader, SR.No.45361

pm

RL/4C/2P/AAL/MPA/7/9/2016

W.P (MD) No.15143 of 2016

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