



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2016

CORAM:

THE HON'BLE DR.JUSTICE S.VIMALA

W.P(MD) No.21211 of 2016 and

W.M.P(MD) No.15156 of 2016

V.Shantha

... Petitioner

-vs-

1. The Accounts Officer,
Accountant General (A&E),
No.361, Anna Salai,
Teynampet, Chennai-600 018.
2. The Treasury Officer,
District Treasury Office,
Madurai Collector Office,
Madurai-625 020.
3. The Principal,
American College,
Madurai-625 002.
4. S.Shanthi
5. S.Jeya Keerthi Samuvel,
6. S.Sathya

... Respondents

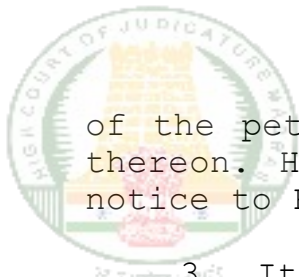
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to recover the family pension arrears amount from the date 04.02.2007 to 08.02.2016 in total amount Rs.4,88,972/- and in the month of March, 2015 to November, 2016 regular family pension amount Rs.1,37,239/- in total amount Rs.6,26,211/-.

For Petitioner	: Mr.K.Suresh
For R1	: Mr.P.Gunasekaran
For R2	: Mr.M.Murugan
	Govt. Advocate
For R3 to R6	: No Apperance

O R D E R

This writ petition has been filed by the petitioner / 2nd wife of the deceased employee, seeking to direct the 1st respondent to recover the total amount of Rs.6,26,211/- received as family pension arrears and regular family pension between 04.02.2007 and 08.02.2016 and March, 2015 and November, 2016, from the children born through the 1st wife of her husband (R4 to R6) by utilizing fake legal heirship certificate,.

2. Heard the learned counsel on either side. Learned counsel for the petitioner would submit that though the prayer in this petition is largely worded, it would suffice, if the representation



of the petitioner dated 01.10.2016 is considered and orders passed thereon. Having regard to the limited scope of prayer sought for, notice to R4 to R6 is dispensed with.

3. It is the case of the petitioner that her husband was appointed as Lab Assistant in American College, Madurai on 01.06.1960 and he retired from service on 31.06.1991; that the first wife of the petitioner's husband expired on 13.11.1996 and the petitioner's husband died on 12.02.2007.

3.1. The grievance of the petitioner is that the children / respondents 4 to 6 herein born through the first wife of her husband, by way of fake legal heirship certificate, have been getting family pension without her knowledge; that the petitioner filed an application before the Revenue Divisional Officer, Nungambakkam Taluk, Chennai to cancel the previous fake legal heirship certificate and she also produced the genuine legal heirship certificate obtained on 18.08.2016 from the Madurai South Tahsildar, which includes the names of the petitioner and her son, apart from the names of the children born through the 1st wife as legal heirs of the deceased Sadhanantham.

4. Learned counsel for the petitioner would submit that only after the death of the 1st wife, the deceased married the petitioner and therefore, the marriage itself is valid and the petitioner and her children are entitled to the benefits on account of the death of her husband. The petitioner in this regard submitted a representation dated 01.10.2016 to the respondents 1 to 3 and if the said representation is disposed of, the grievance of the petitioner would be redressed.

5. Learned counsel appearing for the respondents 1 & 2 would represent that it is agreeable for the respondents 1 & 2 to consider the representation dated 01.10.2016 submitted by the petitioner and to pass orders thereon within a reasonable time frame.

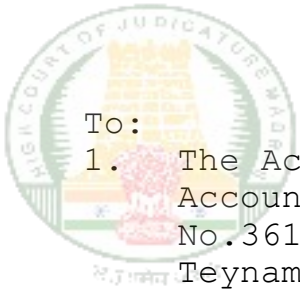
6. Under such circumstances, this Court, without expressing any opinion on the merits of the matter, directs the respondents 1 & 2 to consider the representation of the petitioner dated 01.10.2016 by providing opportunity of hearing to both the petitioner as well as to the respondents 4 to 6 and to pass orders on the same on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

7. With the above direction, this petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl side)

/True Copy/



To:

1. The Accounts Officer,
Accountant General (A&E),
No.361, Anna Salai,
Teynampet, Chennai-600 018.

2. The Treasury Officer,
District Treasury Office,
Madurai Collector Office,
Madurai-625 020.

+1cc to Mr.K.Suresh, Advocate, SR.No.66052

+1cc to Special Government Pleader SR.No.66298

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