

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2017

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No. 10121 of 2017

S.S. Annadurai

... Petitioner

vs.

1 The Secretary,
Government of Tamil Nadu,
Agricultural Department,
Fort St. George,
Chennai.

2 The Commissioner of Agriculture,
Chepauk,
Chennai 600 005.

3 The Principal Accountant General (A & E),
Section 32, Chennai 600 018.

4 The Pension Pay Officer,
Pension Pay Office,
Chennai 600 006.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 2 to 4 to make the payment of arrears of pension (PPO No.D3403505) for the period from 01.06.2012 till 11.06.2014 together with interest to the petitioner.

For petitioner

Mr. M.L. Ramesh

For RR 1, 2 & 4

Mr. V. Jayaprakash Narayanan
Special Govt. Pleader

ORDER

Mr. V. Jayaprakash Narayanan, learned Special Government Pleader, accepts notice for respondents 1,2 and 4.

2 This writ petition has been preferred seeking a writ of mandamus directing the respondents 2 to 4 to make the payment of arrears of pension (PPO No.D3403505) for the period from 01.06.2012 till 11.06.2014 together with interest to the petitioner.

3 The petitioner's father Sundararaman joined as Assistant in the Commissionerate of Agriculture, the second respondent herein and retired from service on 01.10.1983 and he was in receipt of pension till his demise on 03.07.2012, leaving behind his mentally ill wife Saroja. The petitioner, being the legal heir of his mentally ill mother, filed a petition in O.P. No.187 of 2013 for his appointment as her guardian and this Court, by order dated 17.04.2013 appointed him as his mother's guardian. Unfortunately, on 12.06.2014, the petitioner's mother also breathed her last intestate subsequent to which, the petitioner's three siblings gave their consent for the petitioner to get arrears of pension payable to Saroja. Armed with the said consent of his siblings, the petitioner addressed a representation dated 16.06.2016 to the second respondent seeking payment of arrears of pension quoting his mother's Pension Payment Order No.D3403505 and also obtained non payment certificate from the fourth respondent and submitted the same to the third respondent for further action. The second respondent also made his recommendation to the third respondent on 06.01.2017 which reads thus:

"Thiru S.S. Annadorai, S/o late Thiru. P. Sundharaman, Joint Director of Agriculture (Retd.), has requested to sanction family pension for the period from 01.06.2012 to 11.06.2014 Tmt. S. Saroja, as his father Thiru. P. Sundharaman, Joint Director of Agriculture (Retd.) PPO No.A90640 died on 31.05.2012 leaving behind his wife S. Saroja who also died on 12.06.2014 and so necessary proposal was forwarded to Principal Accountant General, Chennai vide this office letter No.PIM1/69949/2016 dated 23.06.2016.

Hence, it is requested to issue necessary orders on the above request." While so, the matter is now under consideration before the third respondent who has to take a final decision in the matter. At this stage, the petitioner has preferred the instant writ petition seeking the aforestated relief.

4 The learned Special Government Pleader appearing for respondents 1,2 and 4 would submit that since the second respondent has made his recommendation to the third respondent vide letter dated 06.01.2017 and the matter is now under

consideration by the third respondent, a reasonable time may be granted to the third respondent to consider and pass final orders in the matter.

5 Given the factual matrix as indicated above, this Court directs the third respondent to pass final orders in the matter within a period of six weeks from the date of receipt of a copy of this order. Notice to the third respondent is dispensed with inasmuch as no order prejudicial to the interest of the third respondent is passed in this order and only a direction is issued to pass final orders in respect of the petitioner.

With the above direction and observation, this writ petition stands disposed of. Costs made easy.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

cad
To

- 1 The Secretary,
Government of Tamil Nadu,
Agricultural Department,
Fort St. George,
Chennai.
- 2 The Commissioner of Agriculture,
Chepauk,
Chennai 600 005.
- 3 The Principal Accountant General (A & E),
Section 32, Chennai 600 018.
- 4 The Pension Pay Officer,
Pension Pay Office,
Chennai 600 006.

+1cc to Mr.M.L.Ramesh, Advocate Sr.24757
+1cc to the Government Pleader Sr.24737

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srg 05/05/2017