

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.7494 of 2017

L.Dillirani

... Petitioner

-vs-

1. The Regional Administrative
Medical Officer (ESI)
No.22, Perambur High Road
Mettupalayam, Perambur
Chennai 600 012

2. The Director of Medical and
Rural Health Service
Teynampet, Chennai 600 006

... Respondents

Petition under Article 226 of the Constitution of India,
praying for the issue of a Writ of Mandamus, directing the
respondents to sanction the family pension of the deceased
Renuka Devi under PPO No.FC538638/MED to her children L.Vignesh
and L.Vijay.

For Petitioner ::Mr.V.Bhiman

For Respondents::Mr.T.M.Pappiah
Special Government Pleader

ORDER

The petitioner is the second wife of late V.Lokesh Babu, who died on 12.1.2010. It is stated before me that Mr.V.Lokesh Babu earlier married one Tmt.R.Renuka Devi, who was working as Assistant under the Director of Medical and Rural Health Services, Chennai and they were blessed with two sons out of the wedlock. But, unfortunately, Tmt.R.Renuka Devi died on 25.12.2004. Thereafter, the family pension was received by Mr.V.Lokesh Babu and he married the petitioner for the second time to take care of his sons. However, Mr.V.Lokesh Babu also died leaving behind the petitioner and his two sons, who were born through his first wife Tmt.R.Renuka Devi, who was a Government servant. Therefore, an application was made seeking

payment of the family pension, as the petitioner is taking care of the two children after the death of late V.Lokesh Babu. Learned counsel for the petitioner, placing on record a copy of the order passed by the learned Principal District Judge, Tiruvallur in G.W.O.P.No.44 of 2011 dated 28.10.2011, submitted that Mrs.L.Dillirani, the petitioner herein was already appointed as the guardian for the minors L.Vignesh, aged about 12 years, and L.Vijay, aged about 6 years to discharge the housing loan with ICICI bank and to receive the original documents on behalf of the minors. Therefore, the learned counsel for the petitioner sought for a direction to the respondents to consider the application of the petitioner for grant of family pension.

2. Mr.T.M.Pappiah, learned Special Government Pleader takes notice on behalf of the respondents.

3. A perusal of the communication received from the office of the Principal Accountant General (Accounts & Entitlements), Tamil Nadu dated 4.3.2013 shows that the petitioner has been directed to produce the income certificate in respect of L.Vignesh, for income from sources other than employment, 3 copies of photo, specimen signature and identification marks of the petitioner. Therefore, this Court hereby directs the petitioner to furnish the photographs, specimen signature and the identification marks within a period of one week from the date of receipt of a copy of this order and the respondents are directed to consider the application of the petitioner without the income certificate, since the children are pursuing their studies only, and pass appropriate orders within a period of six weeks thereafter. With this direction, the writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ss
To

1. The Regional Administrative,
Medical Officer (ESI),
No.22, Perambur High Road,
Mettupalayam, Perambur,
Chennai 600 012.

2. The Director of Medical and
Rural Health Service,
Teynampet,
Chennai 600 006.

+1cc to M/S.V.Bhiman, Advocate Sr.19664
+1cc to the Government Pleader Sr.19796

W.P.No.7494 of 2017

sai[co]
srg 20/04/2017



WEB COPY