

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.04.2017

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P. No.9938 of 2017

A.Latha

.. Petitioner

Vs.

1. The Senior Accounts Officer / Pension-32,
O/o. The Principal Accountant General
[Accounts & Establishment],
Tamil Nadu,
No.301, Anna Salai,
Teynampet, Chennai - 600 018.
2. The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Vridhachalam,
Cuddalore District.
3. The Tahsildar,
Thittakudi Taluk,
Thittakudi,
Cuddalore District.

.. Respondents

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the first respondent herein to take immediate action on the petitioner's family pension proposals and to disburse all other monetary benefits immediately to her based upon her representations dated 20.06.2015 and 19.10.2016 on the file of the respondents 2 and 3 respectively.

For Petitioner : Mr.S.Kumara Devan

For Respondent No.1 : Mr.V.Vijayasankar

For Respondent Nos.2 & 3 : Mr.V.Jayaprakash Narayanan
Special Government Pleader

O R D E R

The petitioner is the second wife of Late A.Ayyasami, son of Ayyamperumal, who was appointed as Panchayat Assistant on 03.06.1985. Since his first wife, namely, Kolanchi died on

22.05.1985, much prior to his appointment as Panchayat Assistant on 03.06.1985. Her husband after getting appointment to the said post nominated the petitioner, as a legal nominee in the service records. After reaching the age of superannuation, the petitioner's husband also retired from service on 31.05.2008.

2. The petitioner's husband died on 22.10.2014 leaving behind the petitioner and three children [one son and one daughter from the the second wife and one son from the first wife]. Immediately, the petitioner has obtained the death certificate of Late A.Ayyasami on 14.11.2014. Thereafter, she submitted a representation to the third respondent on 25.09.2015 along with a copy of the legal heirship Certificate dated 18.11.2014.

3. The third respondent forwarded the proposal dated 25.09.2015 for payment of family pension to the second respondent. In the said communication, the Tahsildar / the third respondent has specifically mentioned that the petitioner has rectified all the defects / errors. Now the third respondent has also passed the final report on 29.09.2015 fixing the monthly family pension at Rs.2,150/-.

4. It appears that the first respondent has returned the papers again indicating certain defects to be rectified. Again after rectifying the defects, the petitioner has sent one more clear representation on 19.10.2016 to the third respondent, who has also forwarded the same to the Revenue Inspector for conducting enquiry and rectifying the defects. Since no action has taken till date, the petitioner has come to this Court seeking a direction to the respondents 2 and 3 to consider her representations and pass final report.

5. Heard the learned counsel appearing for the petitioner; the learned counsel appearing for the first respondent and the learned Special Government Pleader appearing for the respondents 2 and 3.

6. The queries raised by the first respondent had already been rectified by the petitioner in her representation dated 19.10.2016. Even prior to her representation, the third respondent has also processed the pension papers from his level and fixed the monthly family pension at Rs.2,150/-. On further clarification raised by the first respondent on 09.03.2016, the third respondent has again called for the report from the Revenue Inspector, Thittakudi.

7. Therefore, finding no more queries from the petitioner, this Court directs the respondents 2 and 3 to send the petitioner's family pension proposal to the office of the first respondent, within a period of two weeks from the date of

receipt of a copy of this order. On receipt of the same, the first respondent is directed to pass the final report within a period of three weeks thereafter.

8. With this direction, the writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

sri

To

1. The Senior Accounts Officer / Pension-32,
O/o. The Principal Accountant General
[Accounts & Establishment],
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3. The Tahsildar,
Thittakudi Taluk,
Thittakudi,
Cuddalore District.

+1cc to the Government Pleader Sr. 24474

+1cc to Mr.S. Kumara Devan, Advocate Sr. 24316

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VSN(CO)
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