

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2017

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.32368 of 2017

M.Vasanthi

..Petitioner

-vs-

The Director

Government Medical College & Hospital

Kilpauk

Chennai 600 010

..Respondent

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondent herein to consider the petitioner's representation dated 30.03.2017 and grant family pension to her from 18.11.2014 to till date with interest of 18% per annum for the death of her husband late G.Moorthi.

For Petitioner:: Mr.N.Naveenkumar

For Respondent:: Mr.R.A.S.Senthilvel
Additional Government Pleader

ORDER

The petitioner's husband Mr.G.Moorthi, while serving as Male Nursing Assistant in the Government Kilpauk Medical College and Hospital, Chennai, on reaching the age of superannuation, retired from service in the year 2008 and the respondent also settled all his retiral benefits. Thereafter, her husband also received the pension from the respondent till his lifetime, namely, till he passed away on 18.11.2014 due to ill health. However, after his death, the petitioner, who is the legally wedded wife and the legal heir, as per the legal heirship certificate issued by the Tahsildar, Perambur Taluk dated 23.3.2017, suffering from health problems, made an application to the respondent seeking pension, since her husband late G.Moorthi, who served as Male Nursing Assistant in the respondent hospital, died on 18.11.2014 after retirement. But the respondent has not come forward to consider the same. However, by a communication dated 5.6.2017, the Dean of Government Kilpauk Medical College and Hospital has asked the petitioner to produce the legal heirship certificate. The learned counsel for the petitioner, referring to the legal

heirship certificate dated 23.3.2017 issued by the Tahsildar, Perambur Taluk, submitted that even the legal heirship certificate was also produced. Therefore, a direction may be issued to the respondent to do the needful, so that the petitioner will be able to get the pension, he pleaded.

2. Mr.R.A.S.Senthilvel, learned Additional Government Pleader for the respondent also, after perusing the communication dated 5.6.2017 issued by the Dean of the Government Kilpauk Medical College and Hospital, requested this Court to give four weeks time to consider the representation of the petitioner for the payment of pension.

3. As the legal heirship certificate dated 23.3.2017 issued by the Tahsildar, Perambur Taluk shows that the petitioner is the wife of late G.Moorthi, the respondent shall forthwith consider the representation of the petitioner for the grant of monthly pension and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

ss

To

The Director
Government Medical College & Hospital
Kilpauk
Chennai 600 010

+1 CC to Govt. Pleader sr 89082.

+1 CC to Mr.N.Naveenkumar, Advocate sr 89513.

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SP(02/01/2018)