

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.3398 of 2017

M.Rani .. Petitioner

vs.

1.The Chairman,
Chennai Port Trust,
Chennai-1.

2.The Chief Accounts Officer,
Chennai Port,
Chennai-1.

3.The Senior Accounts Officer (Pension)
Chennai Port Trust, Rajaji Salai,
Chennai-600 001.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to sanction Family Pension to the petitioner following the death of her husband S.Mani and pay the arrears of Family Pension.

For Petitioner : Mr.L.P.Balaji Ram

For Respondents : Mr.M.Palanimuthu

सतममेव जयते
O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The petitioner would aver that in the year 1964, she got married to one S.Mani, who worked as Signal Man at Chennai Port Trust and he also had marital relationship with Mrs.Kanagammai, who is the elder sister of the petitioner. The petitioner would further aver that since no issue was born to them out of wedlock, with the consent of said Kangammai, the petitioner's marriage was solemnized with S.Mani and out of wedlock, the petitioner begot four children and she and her elder sister lived jointly and the name of the petitioner was also nominated in the Family Medical Card. The sister of the petitioner died on 03.06.2008 and thereafter, the marriage between the petitioner and S.Mani was made legal and he

retired from service on 30.06.1989 and was drawing pension from 01.07.1989 and he died on 25.06.2008. The petitioner, after the demise of her husband, made a representation for conferment of family pension benefit and she has also filed O.S.No.198 of 2009 on the file of the II Additional Family Court, Chennai praying for a declaration to declare herself as the legally wedded wife of S.Mani and in the said Suit, the second respondent did not appear after filing written statement and therefore, the Suit was decreed exparte and an exparte order came to be passed and it has become final. The second respondent subsequently filed an appeal in I.A.No.2559 of 2012 in O.S.No.198 of 2009 for setting aside the exparte order and the said appeal was also dismissed. The petitioner, armed with the said Civil Court decree, also submitted a representation to the first respondent for conferment of the benefit of family pension and since it has not been considered and disposed of, she came forward with this writ petition.

3. Heard the submissions of Mr.M.Palanimuthu, learned counsel who accepts notice on behalf of the respondents.

4. This Court has considered the rival submissions and also perused the entire materials placed before it.

5. Though the petitioner prays for larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, permits the petitioner to submit one more representation to the third respondent along with a copy of this order as well as the copy of the representation submitted to the first respondent, within a period of two weeks from the date of receipt of a copy of this order and upon receipt of the same, the third respondent is directed to consider and pass orders on merits and in accordance with law, within a period of six weeks thereafter and communicate the decision taken, to the petitioner.

6. This Writ Petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

To

1.The Chairman,
Chennai Port Trust, Chennai-1.

2.The Chief Accounts Officer,
Chennai Port, Chennai-1.

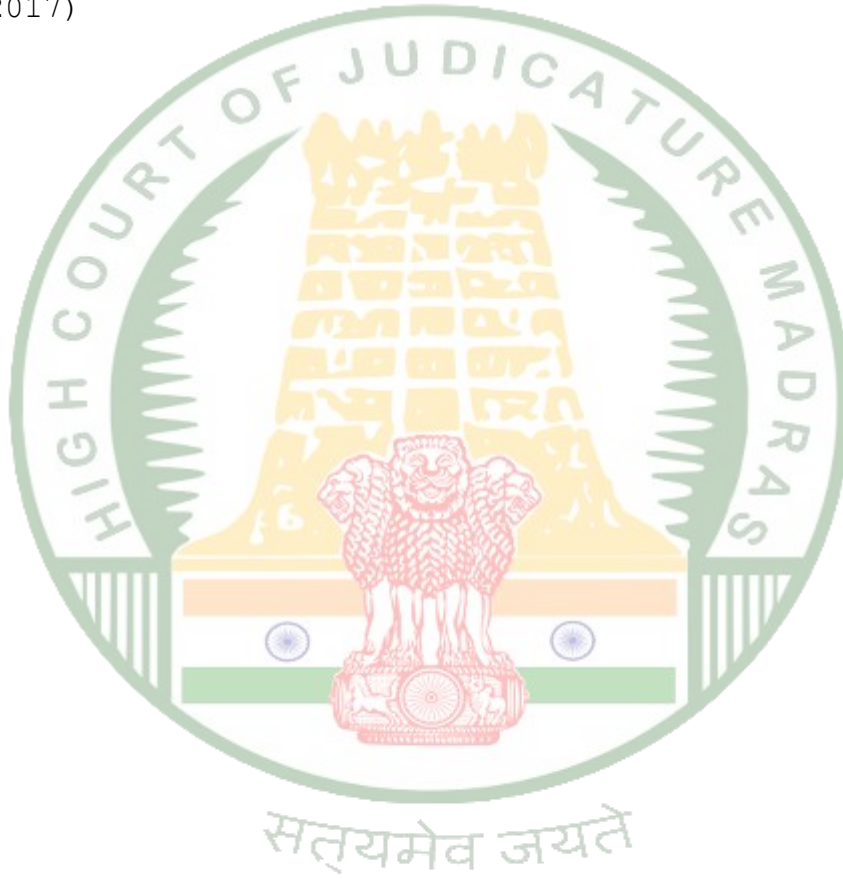
3.The Senior Accounts Officer (Pension)
Chennai Port Trust, Rajaji Salai,
Chennai-600 001.

+1cc too Mr.L.P. Balajiram, Advocate SR. 9027

+1cc to Mr. Palanimuthu, Advocate, Sr. 8772

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