

In the High Court of Judicature at Madras

Dated : 28.08.2017

Coram :

The Honourable Mr.Justice S.M.SUBRAMANIAM

W.P. No.22676 of 2015

M.Selvi

...Petitioner

Vs

1. The Secretary to Government,
Finance Pay Cell Department,
Fort St. George,
Chennai - 600 009.
2. The Principal Accountant General (A&E),
Tamil Nadu, 361, Anna Salai,
Chennai - 600 018.
3. The Director,
Animal Husbandry,
Teynampet, Chennai - 600 006.
4. The Assistant Director,
Animal Husbandry Department,
Thanjavur.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the 2nd Respondent to consider the petitioner representation dated 21.08.2014 for the benefit of family pension within a time frame to be fixed by this Court.

For Petitioner सत्यमेव जयते : No appearance

For Respondents (R1, R3 & R4): Mr.K.Dhananjayan,
Special Government Pleader

For Respondents (R2) : Mr.V.Vijay Shankar

O R D E R

The relief sought for in this writ petition is for a direction to direct the second respondent to consider the representation submitted by the writ petitioner on 21.8.2014, in relation to the grant of family pension.

2. The husband of the writ petitioner was holding the post of Animal Husbandry Assistant in Soorakkottai, Thanjavur District. The husband of the writ petitioner died on 29.01.2012, even before the date of his superannuation. The first wife of the deceased husband of the writ petitioner also expired on 12.07.2006. The writ petitioner, who is the second wife, is also the sister of first wife of the deceased employee. This being the factual position, the writ petitioner submitted a representation to the second respondent to consider her case for grant of family pension.

3. No doubt, if the second marriage was solemnized during the life time of the first wife, then the second marriage is certainly invalid. However, this Court is not inclined to go into the merits of the case, since the relief sought for itself is for a direction to consider the representation and dispose of the same.

4. Accordingly, the second respondent is directed to consider the representation submitted by the writ petitioner on 21.8.2014 and pass orders on merits and in accordance with law within a period of 12 weeks from the date of receipt of copy of this order.

5. The writ petitioner is directed to enclose the copy of the representation and other relevant documents along with the order passed in this writ petition and send the same to the second respondent. Accordingly, writ petition stands disposed of. However, no order as to costs.

Sd/-
Assistant Registrar(J)

//True Copy//

सत्यमेव जयते Sub Assistant Registrar

sli

To

1. The Secretary to Government,
Finance Pay Cell Department,
Fort St. George,
Chennai - 600 009.
2. The Principal Accountant General (A&E),
Tamil Nadu,
361, Anna Salai,
Chennai - 600 018.

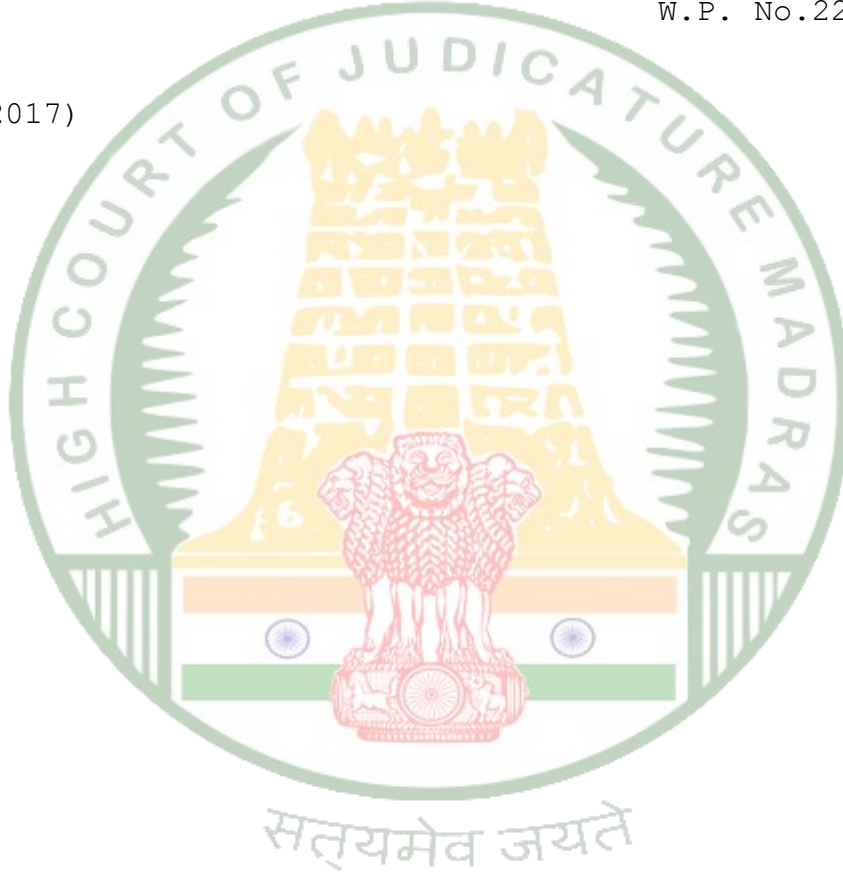
3. The Director,
Animal Husbandry,
Teynampet,
Chennai - 600 006.

4. The Assistant Director,
Animal Husbandry Department,
Thanjavur.

+lcc to the Government Pleader, S.R.No.62382

W.P. No.22676 of 2015

GN(22/09/2017)



WEB COPY