

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2017

CORAM:

THE HON'BLE MR. JUSTICE T. RAJA

W.P. No.15403 of 2017 & W.M.P. No.16712 of 2017

K. Kousalya

Petitioner

vs.

The Union of India

by the Accountant General - (Accounts & Entitlements)

361, Anna Salai

Chennai 600 018

Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for the records of the respondent culminating in the impugned letter No.Pen. 32/2/13163/FA 17969/14190 dated 09.05.2017 and quash the same and direct the respondent to sanction 100% full family pension to the petitioner under PPO No.FA/17969 with arrears from April 2013 forthwith.

For petitioner Mr. N. Karthikeyan

ORDER

The petitioner, claiming to be the first wife of one P.G.Lakshmipathy and getting 50% of family pension along with his second wife, viz., Brindhaveni, after the demise of the said Brindhaveni, has approached the pension paying authority to pay 50% of family pension received by Brindhaveni. On receipt of the said representation, the Accountant General, (Accounts & Entitlements), the respondent herein, has addressed a letter dated 09.05.2017 to the petitioner, in and by which, the petitioner has been directed to forward her representation through the department where Lakshmipathy worked last and also to return the Pension Payment Order (PPO) of Brindhaveni, through the Treasury Officer concerned, for cancellation, challenging which, this writ petition has been filed.

2 The learned counsel for the petitioner would submit that being an octogenarian living alone and finding it difficult to make both ends meet with 50% of family pension, the petitioner is entitled to receive the balance 50% of family pension received by Brindhaveni who is no more and hence, the respondent cannot direct the petitioner to return Brindhaveni's PPO.

3 The aforesaid stand of the learned counsel for the petitioner does not have legs to stand, for the reason that, when the petitioner has been in receipt of 50% of family pension being the first wife of Lakshmipathy and the remaining 50% of family pension was received by Brindhaveni, for claiming 50% of family pension received by Brindhaveni after her demise, the petitioner is under an obligation to produce the legal heirship certificate, which has not been claimed by the respondent. But, at least, Brindhaveni's PPO has to be returned to the office of the respondent and the petitioner cannot seek quashment of the impugned order on the ground that she is an octogenarian, unable to move around and to produce Brindhaveni's PPO. The reason is when the respondent is under an obligation to verify the genuineness of the petitioner's request, the demand made by the respondent that Brindhaveni's PPO has to be returned, cannot be found fault with. Further, it is also an admitted case of the petitioner that Brindhaveni has left behind some legal heirs.

4 In such view of the matter, if the petitioner wants to receive the balance 50% of family pension which was received by Brindhaveni, she has to perforce approach the legal heirs of Brindhaveni and obtain Brindhaveni's PPO and submit the same to the respondent. Thus, in the considered opinion of this Court, there is no infirmity whatsoever in the order impugned in this writ petition.

As a sequitur, this writ petition fails and is accordingly dismissed. Costs made easy. Connected W.M.P. is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

cad
To

The Accountant General
(Accounts & Entitlements)
361, Anna Salai
Chennai 600 018

+1 cc to Mr.N.Karthikeyan Advocate sr 45422/17

W.P. No.15403 of 2017

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