

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :16.11.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.30487 of 2012

Mrs.Zeenathunissa

.. Petitioner

vs

1.Principal Accountant General
Office of the Principal Accountant General
(Accounts & Entitlements) Tamil Nadu
No:361, Anna Salai, Teynampet,
Chennai-600018.

2.Additional Elementary Educational Officer,
BDO Office Campus,
Ikkadu, Tiruvallur-602 021.

3.The Asst. Treasury Officer,
Sub Treasury,
Block No.74/75 Jaya Nagar Main Road,
Tiruvallur-602 001.

4.Dawood Sheriff

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent to consider the petitioner's representation dated 11.08.2012 and consequently release the family pension and the Provident Fund, Dearness Allowance etc., which she is entitled to receive as a widow and as a nominee.

For Petitioner: Mr.Mohammed Fayaz Ali
For R1 : M/s.J.Sree Vidya
For RR 2 & 3 : Mr.A.Rajaperumal,
Additional Govt. Pleader
For R4 : M/s.B.Anitha

O R D E R

The petitioner has come forward with this writ petition seeking for a direction to be issued to the first respondent to consider the representation of the petitioner dated 11.08.2012

and consequently release the family pension, provident fund, dearness allowance etc., which the petitioner is entitled to receive as a widow and as a nominee.

2. The petitioner claims that her husband late M.Hussain Shareef was employed as a Secondary Grade Assistant at the Municipal Middle School, Tiruvallur and he retired from service on 29.02.1996. Subsequently, the husband of the writ petitioner died on 25.01.2006. However, there is a dispute in respect of legal heirship between the petitioner and the 4th respondent.

3. In this regard, the fourth respondent along with one Gazala Khanam filed a suit in O.S.No.131 of 2006 and the same was decreed in favour of the 4th respondent. Consequently, the writ petitioner preferred an appeal in A.S.No.26 of 2011 and the same ended up in favour of the writ petitioner. A second appeal which was filed thereafter, was withdrawn. With these contentions, the learned counsel for the writ petitioner states that the petitioner is entitled for the family pension and other terminal benefits. When there is a rival claim in respect of the settlement of family pension and other terminal benefits, the petitioner states that the civil litigation ended up in her favour.

4. Heard the learned counsel for the petitioner and the learned counsel representing the respondents. This Court is of the opinion that the appropriate competent authorities have to consider the claim and take decision and pass final orders.

5. Thus, without going into the merits of the case, the first respondent is directed to consider the representation submitted by the writ petitioner on 11.08.2012 and pass orders on merits in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. The writ petitioner is also directed to enclose the copy of the representation and other documents along with the order passed in this writ petition.

6. Accordingly, the Writ Petition stands Disposed of.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

sji/sts

To

1.Principal Accountant General
Office of the Principal Accountant General
(Accounts & Entitlements) Tamil Nadu
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2.Additional Elementary Educational Officer,
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3.The Asst. Treasury Officer,
Sub Treasury,
Block No.74/75 Jaya Nagar Main Road,
Tiruvallur-602 001.

+ 1 cc to Mr.Mohammed Fayaz Ali, Advocate,SR.81649

+ 1 cc to M/s.J.Sree Vidya Advocate,SR.82118

Order in
W.P.No.30487 of 2012

GMI (CO)
NR 12/12/2017



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