



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.08.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD)No.15195 of 2017

WEB COPY

R.Nagalakshmi

... Petitioner

-vs-

1.The Accountant General of Tamilnadu,
O/o. State Accountant General (Accounts & Entitlements),
361, Annasalai, Tenampet, Chennai - 18.

2.The Sub-Treasury Officer,
Sub - Treasury Office,Thiruvadanai,
Ramanathapuram District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of a Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 18.01.2017 and grant family pension to her as early as possible.

For Petitioner

: Mr.P.Muthusamy

For Respondent No.1

: Mr.P.Gunasekaran

For Respondent No.2

: Mr.D.Muruganantham,

Additional Government Pleader

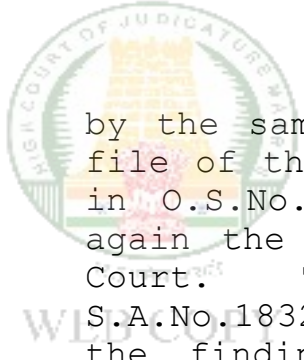
O R D E R

By consent of both sides, this writ petition itself is taken up for final disposal.

2. Heard the learned counsel for the petitioner, the learned counsel for the 1st respondent and the learned Additional Government Pleader for the 2nd respondent.

3. The present writ petition has been filed seeking a Writ of Mandamus, directing the first respondent/Accountant General of Tamilnadu to consider the petitioner's representation dated 18.01.2017 and grant family pension to her, since she has succeeded before the Courts below in O.S.No.43 of 2002 dated 03.02.2003, A.S.No.21 of 2003 dated 29.08.2003 and before this Court in S.A.No.1832 of 2003 dated 30.11.2016, establishing the fact that Late.Ramachandran married the petitioner in the year 1952 and the finding recorded by the trial Court in O.S.No. 43 of 2002 clearly shows that the petitioner is the legally wedded wife of Late.Ramachandran and therefore, her children and the petitioner are the legal heirs.

4. Moreover, the claim of one Tamilarasi is that her marriage with Late.Ramachandran was not established and the suit was decreed in favour of the petitioner on 03.02.2003. Aggrieved



by the same, the said Tamilarasi filed A.S.No.21 of 2003 on the file of the learned Sub Court, Devakottai, in which, the judgment in O.S.No.43/2002 dated 03.02.2003 has been confirmed and yet, again the said Tamilarasi filed S.A.No.1832 of 2003 before this Court. This Court finally dismissed the second appeal in S.A.No.1832 of 2003, vide judgment dated 30.11.2016, confirming the finding recorded by both the Trial Court and the First Appellate Court. In the meanwhile, the said Tamilarasi has wrongly obtained the family pension on the ground that she is the legally wedded wife of Late.Ramachandran. Therefore, a representation has been given along with a copy of the judgment. Hence, the petitioner is before this Court with the present writ petition.

5. The learned standing counsel appearing for the first respondent fairly submitted that the petitioner's representation shall be considered and further added that the petitioner has not impleaded the said Tamilarasi in the present writ petition. However, the judgment passed by all the three Courts established the fact that the petitioner and her children are the legal heirs and the petitioner is the legally wedded wife of the Late.Ramachandran.

6. In view of the above, the petitioner is directed to submit a fresh representation along with a copy of the judgment passed in O.S.No.43 of 2002 dated 03.02.2003, A.S.No.21 of 2003 dated 29.08.2003 and S.A.No.1832 of 2003 dated 30.11.2016 within one week from the date of receipt of copy of this order. On receipt of the same, the first respondent is directed to consider the petitioner's representation in the light of the judgment of this Court passed in S.A.No.1832 of 2003 dated 30.11.2016 within a period of two weeks thereafter.

6.This writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(RTI)

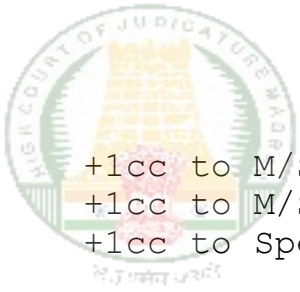
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Sub Assistant Registrar

To

1.The Accountant General of Tamilnadu,
O/o. State Accountant General (Accounts & Entitlements),
361, Annasalai, Tenampet, Chennai - 18.

2.The Sub-Treasury Officer,
Sub - Treasury Office,
Ramanathapuram District.



+1cc to M/S.P.GUNASEKARAN, Advocate SR.No.72218
+1cc to M/S.P.MUTHUSAMY, Advocate SR.No.72243
+1cc to Special Government Pleader, SR.No. 72582

Mrn/RR

MAS/SV-MMS/SAR3:19.09.2017:3P-6C

W.P(MD)No.15195 of 2017
11.08.2017