



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 24.04.2017

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THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P(MD)No.3630 of 2017

Selvaraj

..Petitioner

Vs

1. The Principal Accountant General (A & E),
Office of the Principal Accountant General,
361, Anna Salai,
Chennai.

2. The Treasury Officer,
Treasury Office,
Tirunelveli.

3. The Sub-Treasury Officer,
Sub-Treasury Office,
Tenkasi.

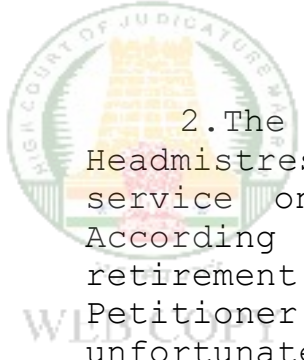
..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the second and third respondents to disburse the lifetime arrears of pension of Tmt.Parimala(wife of the Petitioner) for 9 months period starting from 1.8.2009 to 29.5.2010 with 7% rate of interest per annum to the Petitioner in the light of the order passed by the first respondent, dated 4.6.2014 within the time stipulated by this Court.

For Petitioner	:M/s.S.Chellapandian
For Respondent-1	:Mr.P.Gunasekaran
For Respondents	:Mr.D.Muruganandam
2 and 3	

ORDER

The Petitioner has approached this Court seeking issuance of a Writ of Mandamus directing the second and third respondents to disburse the lifetime arrears of pension of Tmt.Parimala(wife of the Petitioner) for 9 months period starting from 1.8.2009 to 29.5.2010 with 7% rate of interest per annum to the Petitioner in the light of the order passed by the first respondent, dated 4.6.2014 within the time stipulated by this Court.



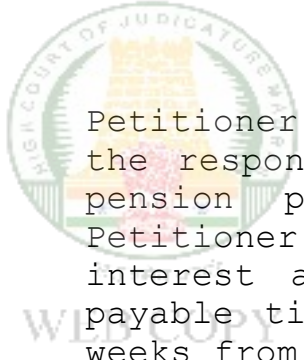
2.The case of the Petitioner is that his wife served as Headmistress in an aided private school and she retired from service on 31.7.2009 on attaining the age of superannuation. According to the Petitioner, his wife was entitled to pension on retirement which fact was not controverted. On retirement, the Petitioner's wife received gratuity and other benefits. However, unfortunately before receipt of pension, she died on 29.5.2010 and thereafter, the Petitioner made an application for sanction of family pension as per Rule 76 of the Tamil Nadu Pension Rules, 1978. In response to the said application, the respondents have also sanctioned the family pension of the Petitioner and the same has been paid every month and the Petitioner is also in receipt of the same. The claim of the Petitioner is that though family pension has been sanctioned and paid every month, pension due to the Petitioner's wife which is payable from 1.8.2009 to 29.5.2010 was not sanctioned and paid in spite of her eligibility for the same. In the said circumstances, the Petitioner has approached the respondents for disbursement of the pension amount due to the Petitioner's wife while she was alive for the relevant period. Since no action has been forthcoming, the Petitioner is before this Court seeking issuance of a Writ of Mandamus for payment of arrears of pension payable to the Petitioner's deceased wife for the period from 1.8.2009 to 29.5.2010 with 7% interest per annum.

3.Upon notice, Mr.P.Gunasekaran, learned Standing Counsel entered appearance on behalf of the first respondent and Mr.D.Muruganandam, learned Additional Government Pleader entered appearance on behalf of the second and third respondents.

4.He would submit that on 4.6.2014 itself the first respondent's office sanctioned the payment of pension due to the deceased wife of the petitioner, but however, the respondents 2 and 3 not acted on the advise by the first respondent.

5.A counter affidavit has been filed by the third respondent and in para 6 of the counter affidavit, it has been stated that the approval was sent to the first respondent and they were awaiting appropriate orders by the first respondent. It is a clear case where one authority blaming the other for non-disbursement of the pension amount due to the Petitioner's deceased wife and which is payable to the Petitioner. Although it is an admitted position that the first respondent had admitted for the payment of the same as early as on 4.6.2014, it is not open to the respondents 2 and 3 to deny payment of pension to the Petitioner. Needless to mention that the Petitioner's wife had died as early as on 29.5.2010 and the issue has been hanging fire for the last seven years.

<https://hcservices.ecourt.gov.in/hcservices/> 6.In the circumstances, this Court is of the considered view that the respondents 2 and 3 ought to be directed to disburse the arrears of pension payable due to the Petitioner's wife to the



Petitioner within the time stipulated by this Court. Accordingly, the respondents 2 and 3 are directed to disburse the arrears of pension payable to the Petitioner's deceased wife to the Petitioner for the period from 1.8.2009 till 29.5.2010 with interest at the rate of 9% from the date on which it became payable till the date of realization within a period of four weeks from the date of receipt of a copy of this order.

7.The Writ Petition stands allowed in these terms. No costs.

Sd/-

Assistant Registrar()

/True Copy/

Sub Assistant Registrar

To

1. The Principal Accountant General (A & E),
Office of the Principal Accountant General,
361, Anna Salai,
Chennai.
2. The Treasury Officer,
Treasury Office,
Tirunelveli.
3. The Sub-Treasury Officer,
Sub-Treasury Office,
Tenkasi.

+1cc to Mr. S. CHELLAPANDIAN, Advocate, SR.No.53642

+1cc to Mr. P. GUNASEKARAN, Advocate, SR.No.54262

+1cc to Special Government Pleader, SR.No.53989

W.P(MD)No.3630 of 2017
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SDS/RSK/10.05.2017/3P/7C