

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.08.2018
Coram

The Hon'ble Mr. Justice Satrugana Pujahari

Writ Petition No. 21633 of 2018

Mrs. Ganthimathi

...Petitioner

Vs

1. The Additional Director of School Education,
School Education Department,
Chennai -600 006.
2. The Chief Educational Officer,
Vilupuram, Villupuram District.
3. The Accountant General,
No.361, Anna Salai,
Accountant General Officer,
Chennai -600 018.
4. The District Collector
Vilupuram, Villupuram District.
5. The District Treasury Officer,
The District Treasurer Officer,
Vilupuram, Villupuram District.
6. The Assistant Primary Educational Officer,
Vallam, Villupuram District.

7. Mrs. Rajeswari ...Respondents
Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus directing the respondents 1 to 6 to consider her representation dated 12.07.2018 and to complete the enquiry regarding the legal heirs of the petitioner's late husband Mr.C.Thangavelu, for the purpose of his pension and to allot her late husband Mr.C.Thangavelu's pension to her.

For Petitioner : Mr.P.Balamurugan

For Respondents
1, 2 and 5, 4,6 : Mrs.P.Kavitha
(1,2,4,5,6) Government Advocate

O R D E R

Heard Mr.P.Balamurugan, the learned counsel appearing for the petitioner and Mrs.P.Kavitha, the learned Government Advocate, who accepts notice on behalf of the respondents 1, 2 and 6. Considering the nature of order that is to be passed herein, this Court is of the view that notice to the respondents 3, 4, 5 and 7 could be dispensed with. Accordingly, it is dispensed with.

2. This Writ Petition has been filed by the petitioner seeking a writ of mandamus directing the respondents 1 to 6 to consider her representation dated 12.07.2018 made to conclude the enquiry regarding the legal heirship of her late husband, Mr.C.Thangavelu, and to disburse the family pension, who is stated to be a pensioner under the respondent/Education Department.

3. No doubt, the representation is of recent past, and as such, the respondents 1 to 6 cannot be said to be guilty of inaction entitling the petitioner to challenge the same seeking the relief. But considering the fact that the enquiry is pending with regard to the entitlement of the persons to get family pension, wherein, the petitioner is also one of the claimants along with others and it is a case of family pension, this Court after hearing the learned counsel appearing for the petitioner and respondents 1, 2 and 6 and going through the materials on record proceeds to dispose of this Writ Petition as no useful purpose would be served by keeping this Writ Petition pending awaiting a counter/reply affidavit from the respondents, inasmuch as, the aforesaid relief can be granted in the absence of the counter affidavit, which is in no way prejudicial to the respondents. Accordingly, the Writ Petition stands disposed of at the stage of admission with a direction to the respondents 1 to 6 to conclude such enquiry within a period of eight weeks from the date of receipt of a copy of this order with regard to the disputed claim on the entitlement of family pension of the aforesaid C.Thangavelu. However, the aforesaid order should not be construed as a direction that the persons making disputed claim are in any manner entitled to the family pension. The respondents 1 to 6, therefore, shall decide the disputed claim taking into consideration the law in this regard and pass necessary orders within the stipulated period. No costs.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

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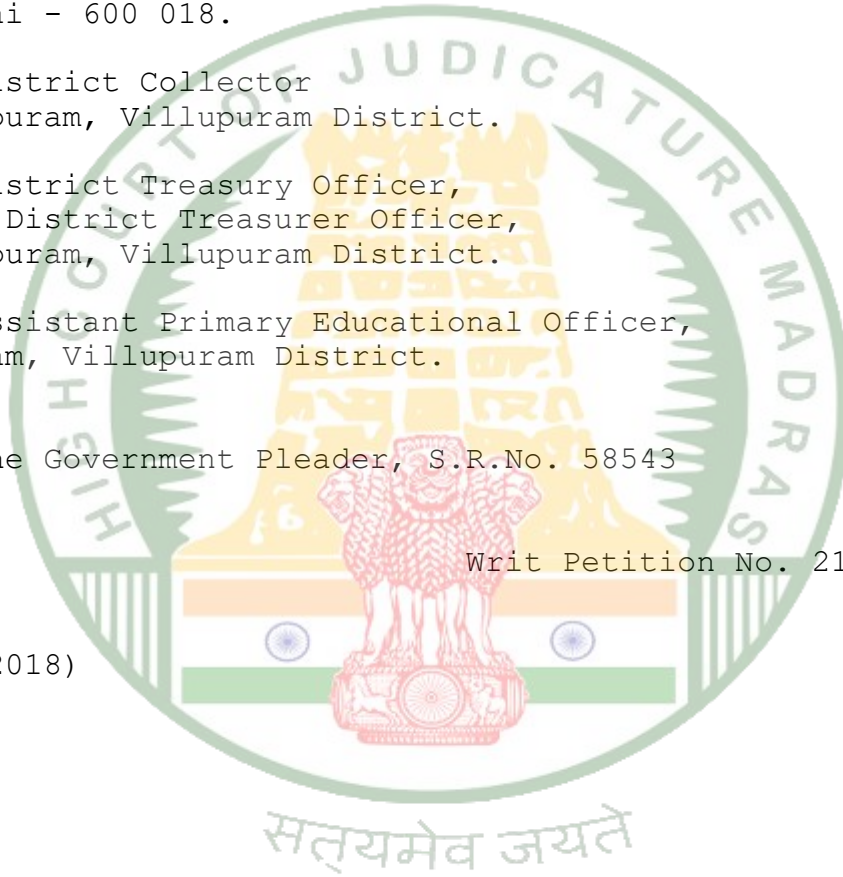
To

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3. The Accountant General,
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6. The Assistant Primary Educational Officer,
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+1cc to the Government Pleader, S.R.No. 58543

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CA(CO)
GN(18/09/2018)



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