

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 04.09.2018

CORAM
THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.No.22849 of 2018

L.Shanthi

...Petitioner

..vs..

1.Secretary to Government,
Health Department,
St.George fort,
Chennai- 09.08.2014

2.The Dean,
Kilpauk Medical College,
Chennai - 10

3.The Accountant General (A&E),
O/o, Principal Accountant General,
Accounts and entitlements TN,
361, Anna Salai,
Chennai - 18.11.2013

4.The Branch Manager,
Indian Bank,
Chetpet Branch,
P.H.Road,
Chennai - 10

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus directing the respondents 1 to 3 to disburse the arrears of family pension to the petitioner with effect from November, 2010 with 18% interest and consequently to provide family pension for subsequent months thereon on account of death of petitioner's husband namely P.Loganathan by considering the petitioner's representation dated 06.08.2018 within the time period that may be stipulated by this Hon'ble High Court.

For Petitioner : Ms.Y.Asmin Begum

For Respondents : Ms.P.Kavitha

R1 & R2 Government Advocate

R3 & R4 No appearance

O R D E R

Mrs.P.Kavitha, learned Government Advocate, takes notice on behalf of the respondents 1 and 2. No notice be issued to the third respondent as the said respondent has to sanction the family pension to the petitioner only on receipt of the proposal from the second respondent employer of the deceased employee. So also the fourth respondent being bank not a necessary party and no relief sought for against the fourth respondent, no notice is issued to him, before disposal of this writ petition.

2.The relief sought for in this writ petition is to direct the respondents 1 to 3 to disburse the arrears of family pension to the petitioner with effect from November, 2010 with interest @ 18% and consequently provide family pension for subsequent months thereon on account of death of petitioner's husband namely P.Loganathan by considering the petitioner's representation dated 06.08.2018.

3.The case of the petitioner is that her husband one Loganathan who was a Sanitary Worker in the second respondent College and took voluntary retirement from service on 31.10.2001 was granted retiral benefits and was getting pension. But, on 10.10.2010, he expired due to cardiac arrest. Therefore, the petitioner, who is entitled to the family pension has approached the respondents 1 to 3, seeking to sanction family pension to her. As the same has not been sanctioned to her, she made representations on 06.08.2018, to the respondents requesting them to disburse arrears of family pension with interest till date and to provide family pension for subsequent months. Since the same has evoked no response, the petitioner has come forward with this Writ Petition seeking for the aforesaid relief.

4. The learned counsel appearing for the petitioner submits that in the pension payment order of the petitioner's husband, it was categorically mentioned that the petitioner is his wife and she is legally entitled to get the family pension, on the death of her husband. But, even eight years after the death of the petitioner's husband, her grievance of family pension has not been attended to by the respondents more particularly by the second respondent. Hence, he prays that a direction may be issued to the respondents 1 to 3 to disburse the arrears of family pension to the petitioner with effect from November, 2010 with 18% interest and pay the family pension for subsequent months, accrued in her favour owing to the death of petitioner's husband namely P.Loganathan by considering the petitioner's representation dated 06.08.2018 in a time bound manner.

5. Ms.P.Kavitha, learned Government Advocate, who accepts notice on behalf of the respondents 1 and 2, submits that since the petitioner was asked to submit certain papers, but she did not comply with the same, there was a delay. However, if such representation is pending, necessary steps shall be taken to dispose of the same, on merits and in accordance with law and decision thereof shall be communicated to him.

6. As it appears that though the name of the petitioner as a wife, is mentioned in the pension payment order of her husband, for getting the family pension, still the same has not been granted, for the last eight years. The respondent Nos.1 and 2 had taken the stand that the same was due to non-compliance of the petitioner. But, the petitioner has made a representation.

7. Therefore this Court, after hearing the submissions made by the learned counsel for the parties and going through the materials on record, directs the second respondent to consider the representation of the petitioner dated 06.08.2018, as expeditiously as possible and take all necessary steps as required under law to submit the proposal for sanction and release the family pension in favour of the petitioner, to the third respondent. The petitioner however, if required to submit the papers, which she has yet to submit, be intimated in an appropriate manner for compliance to process her family pension papers. Needless to say that the petitioner is entitled to interest if there was any delay in release of family pension for reasons not attributable to the petitioner. However, it is made clear that if any materials are available with the second respondent disqualifying the petitioner to receive such family pension, it is at liberty to proceed in accordance with law.

8. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Deputy Registrar

//True Copy//

Sub Assistant Registrar

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To

1. Secretary to Government,
Health Department,
St. George fort,
Chennai- 09.08.2014

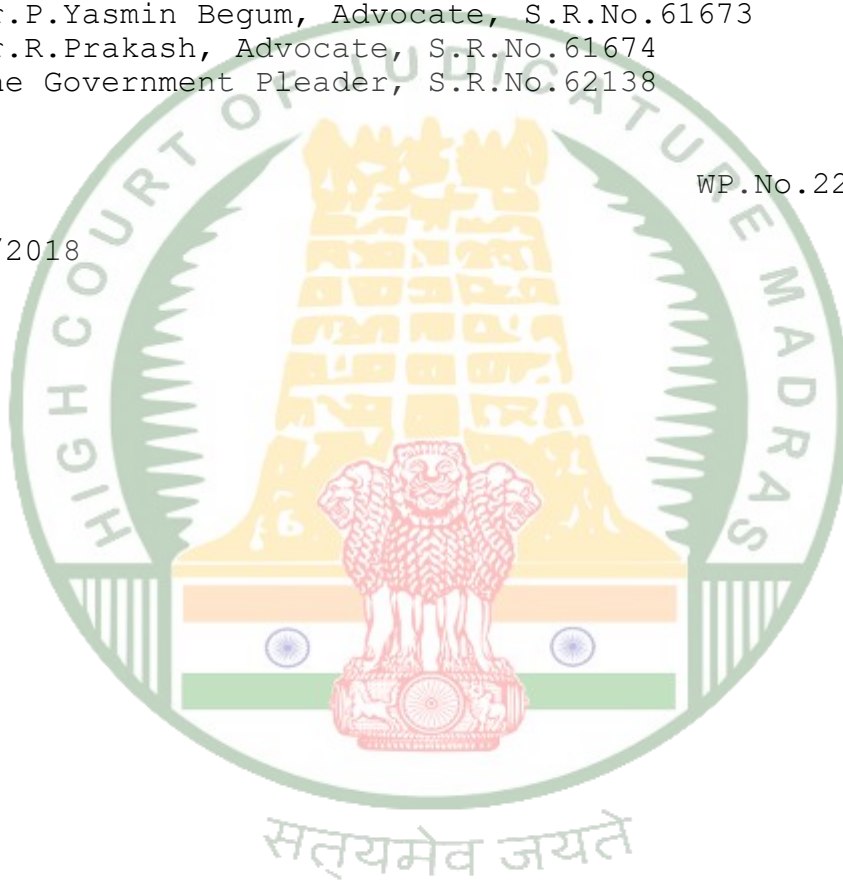
2.The Dean,
Kilpack Medical College,
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3.The Accountant General (A&E),
O/o, Principal Accountant General,
Accounts and entitlements TN,
361, Anna Salai,
Chennai - 18.11.2013

+lcc to Mr.P.Yasmin Begum, Advocate, S.R.No.61673
+lcc to Mr.R.Prakash, Advocate, S.R.No.61674
+lcc to the Government Pleader, S.R.No.62138

WP.No.22849 of 2018

rrs 11/10/2018



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