

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2018

CORAM

THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.No.22870 of 2018

K.Vijaya

...Petitioner

...vs...

1.The Chairman
Chennai Port Trust
Rajaji Salai, Chennai - 21.08.2018

2.The Administrative Officer (Pension)
Chennai Port Trust, Rajaji Salai,
Chennai - 600 001.

3.The Senior Accounts Officer, (Pension)
Chennai Port Trust, Rajaji Salai,
Chennai - 600 001.

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus directing the respondents herein to pay family pension to the petitioner for the death of her husband Shrihari.

For Petitioner : Mr.M.Mani Gopi

For Respondents : Mr.M.Palanimuthu
Standing Counsel

O R D E R

Mr.M.Palanimuthu, learned Standing counsel accepts notice on behalf of the respondents.

2. This Writ Petition has been filed seeking for a direction to the respondents herein to pay family pension to the petitioner on the death of her husband Shrihari.

3. The case of the petitioner is that her husband one Mr.Shrihari was employed as H.S.fitter in Chennai Port Trust and subsequently obtained V.R.S. in the year 2001 and was receiving the pension till his death i.e. till 26.07.2016. After the death of her husband, the petitioner have applied for family pension to the respondents on 07.11.2016, for which the second respondent sent a reply on 18.04.2017, stating that the deceased husband of the petitioner furnished the name of his first wife Dilliammal in the service register and only at the time of retirement he has intimated the death of his wife and further, he has not informed his remarriage status till his death and hence they requested her to get the Court order, to the effect that she is the legally wedded wife, in order to take necessary action. The petitioner states that the said Dilliammal passed away during the year 1996 itself and the petitioner herein got married with her deceased husband in the year 1999. But, due to inadvertence, her deceased husband did not furnish the petitioner's name to the employer to enable them to incorporate her name in the Service Register. It is further stated that the petitioner has already completed 60 years of age and solely depending on the pension benefit of her husband to meet out day to day expenditure and she is entitled to claim the same. Hence, the petitioner has filed this Writ Petition seeking for the aforesaid relief.

4. Mr.M.Palanimuthu, learned standing counsel who accepts notice on behalf of the respondents, in the course of hearing, submits that the deceased employee had not intimated the respondents the fact that the petitioner is his legally wedded wife. Therefore, on the representation made by the petitioner, they have intimated the petitioner to furnish necessary proof with regard to her status as a widow of the deceased petitioner. Since, the petitioner has not complied with the same and approached this Court, this Writ Petition is liable to be dismissed in limine being premature.

5. At this stage of hearing of this Writ Petition, the learned counsel for the petitioner submits that the petitioner may be permitted to make representation to the respondents by furnishing necessary particulars and as such the respondents may be directed to consider such representation for release of family pension, for which the learned counsel for the respondents submits that if the representation is submitted by the petitioner, the respondents shall examine such representation, in accordance with law and take necessary action in this regard.

6. Regard being had to the facts and submissions made, this Writ Petition is disposed of with a observation that the petitioner, if so advised, may comply with the direction made by the second respondent in the communication, dated 18.04.2017 and after complying of the same by the petitioner, the respondent shall take decision, on the same as required, under law. No costs.

Sd/-

Assistant Registrar(CS IX)

//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,
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

+1cc to Mr.M.Manigopi, Advocate, S.R.No.60839

WP.No.22870 of 2018

RSI (CO)
GSP (08/10/2018)