

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATE: 21.08.2018
CORAM
THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI
W.P.No.18120 of 2017 and WMP No.20449 of 2018

K.Durairaj

.. Petitioner

Vs

1. Director of Pension,
Teynampet,
Chennai 600 006.

2. Accountant General
Teynampet, Chennai 600 018.

3. Assistant PF Commissioner (Pension),
Sub Regional Office, Thirunelveli.

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents to immediately issue orders so as to enable him to get his medical claim of Rs.1,63,871/- for my wife's treatment under the Tamil nadu Government Servantas Health Fund Scheme, 1995 without any restrictions to ceiling in the reimbursement.

For Petitioner : Mr.K.Dorairaj Party-in-person

For Respondents: Mrs.R.Janaki,
Additional Government Pleader
for R1
No appearance for R2 and R3

ORDER

The grievance expressed by the petitioner is that non-disposal of his representation to include his wife name in the Payment Pension Order (PPO) in order to make her eligible for family pension and the medical reimbursement as recommended by the Tamil Nadu Government Servant Pensioners Health Fund Scheme, 1995. The case of the petitioner is that he served in Revenue Department for 14 years and absorbed in Tamil Nadu Civil Supplies Corporation (TNCSC) wherein after rendering 20 years of service, he superannuated on 30.06.1999. However, though the petitioner is receiving the pension from the Revenue Department, so also, he is a member of the Employment Provident Fund Scheme for the period which he was served with the Tamil Nadu Civil Supplies Corporation his representation to the respondents to consider his wife name in his Payment Pension Order for the aforesaid purpose has evoked no response and hence, came forward to file this writ petition seeking a direction to the respondent to pass order immediately on the same, so that he may be boiled out of the

financial distress accrued on account of the medical expenses of his wife by getting reimbursement of the amount spent on such treatment.

2. The Counter affidavit filed by the 2nd respondent in support of this writ petition would indicate that the petitioner's spouse name cannot be incorporated in the Pension Book without deleting her name from the EPFO pension records so also, inasmuch as the family pension from both Government and EPFO is not admissible to the petitioner's wife. simultaneously. It is only on receipt of deletion certificate, the 2nd respondent is prepared to incorporate the petitioner's wife name in the Pension Payment Order Book.

3. It is submitted by the petitioner that the proposal of the petitioner for deletion certificate is pending with the Employees Provident Fund Authority i.e more particularly with the 3rd respondent . No appearance from the side of respondents 2 and 3. However, considering the averment of the 2nd respondent and the proposal for deletion of his wife name is pending with the 3rd respondent, this Court dispose of this writ petition with a direction to the 3rd respondent to delete the petitioner's wife name in the Employees Provident Fund Office Pension Records and furnish the deletion certificate within a period of eight weeks from the date of receipt of copy of this order, if there is no other legal impediment. If there is any legal impediment in this regard, the 3rd respondent may file appropriate petition to review this order if so desired. Needless to say that on receipt of such deletion certificate, the same if produced before the 2nd respondent, the prayer made by the petitioner as aforesaid shall be considered by them within four weeks from the date of receipt of such certificate furnished through proper channel.

4. With the aforesaid order, the writ petition stands disposed of and consequently, the connected miscellaneous petition is also closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

To
1. Director of Pension,
Teynampet,
Chennai 600 006.

2. Accountant General
Teynampet, Chennai 600 018.

3. Assistant PF Commissioner (Pension),
Sub Regional Office, Thirunelveli.

+1cc to Mr.K.Dorairaj, Party in person, SR.NO.58051

+2cc to MR.T.R.Sundaram, Advocate SR.NO.57708

sm:4.9.2018

WP.18120 of 2018



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