

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 29.11.2018
CORAM:
THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU
W.P.No.32880 of 2017
and
W.M.P.No.36242 of 2017

S.Pappal

..Petitioner

Vs

1.The District Collector,
Salem District, Salem.

2.The Director of Town Panchayats,
Kuralagam, Chennai - 108.

3.The Director,
Local Fund Audit,
4th Floor, Kuralagam,
Chennai - 108.

4.The Assistant Director (Town Panchayats),
Salem Region, Salem.

5.The Executive Officer,
Veerakkalpudur Town Panchayat,
Veerakkalpudur,
Mettur Taluk,
Salem District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to sanction family pension and other benefits to the petitioner due to the death of her husband.

For Petitioner : Mr.V.Elangovan

For Respondents: Mr.I.Sathish
Additional Government Pleader
For R1 to R4
Mr.P.Chinna Durai, For R5

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O R D E R

The petitioner seeks for mandamus directing the respondents to sanction family pension and other benefits to the petitioner due to the death of her husband.

2. Heard both sides.

3. One Shanmugam, husband of the petitioner was working as Electrician in the office of the fifth respondent. He died on

15.12.2013 at the age of 49 years. The petitioner obtained a legal heir certificate from the Tahsildar, Mettur and made a representation to the 5th respondent for grant of family pension and also other payments, due to the death of her husband.

4. The grievance of the petitioner is that the said request has not been considered so far, even though on an earlier occasion, this Court by order dated 19.01.2016 in W.P.No.615 of 2016 has directed the Director of Town Panchayats to consider the petitioner's representation and pass orders within a period of six weeks. Therefore, the present writ petition is filed once again seeking for a direction to the respondent to sanction family pension and other benefits to the petitioner due to the death of her husband.

5. The learned counsel appearing for the 5th respondent has submitted that already a proposal is sent by the fifth respondent on 18.05.2017 to the 3rd respondent and on 14.09.2017 to the 2nd respondent. Therefore he contended that it is for the respondents 1 to 3 to consider and decide the same.

6. The learned Additional Government Pleader appearing for the respondents 1 to 4 contended that the 1st respondent also through proceedings dated 15.04.2016 addressed to the Secretary to Government has made recommendation for regularizing the services of the deceased husband from 01.03.1994 onwards. Therefore he contended that the petitioner's request will be considered and appropriate orders will be passed within a period of four weeks.

7. Considering the above stated facts and circumstances, more particularly, the submission made by the learned counsel appearing for the respondents, this writ petition is disposed of, by directing the respondents to pass appropriate orders for grant of family pension to the petitioner and also other monetary benefits available in pursuant to the death of her husband, who was working in the office of the fifth respondent, as stated supra. Such exercise shall be done by the respondents within a period of four weeks from the date of receipt of a copy of this order. No costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

mk/rna

To

1.The District Collector,
Salem District,Salem.

2.The Director of Town Panchayats,
Kuralagam,
Chennai - 108.

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4.The Assistant Director (Town Panchayats),
Salem Region,
Salem.

5.The Executive Officer,
Veerakkalpudur Town Panchayat,
Veerakkalpudur,
Mettur Taluk,
Salem District.

+1cc to Mr.V.Elangovan, Advocate, S.R.No.81921
+1cc to Mr.P.Chinnadurai, Advocate, S.R.No.82011
+1cc to the Government Pleader, S.R.No.82264

W.P.No.32880 of 2017

NRI (CO)

rrs 13/12/2018



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