

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2018

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

Writ Petition No.15829 of 2017

M.Amsaveni

... Petitioner

vs.

1. The Internal Audit Officer,
Board Office Audit Branch,
N.P.K.R.R.Malligai,
1st Floor,
144, Anna Salai,
Chennai - 2

2. The Superintending Engineer,
Vellore Distribution Circle,
Gandhi Nagar,
Vellore - 626 336.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to sanction the family pension to the deceased R.Munusamy (wireman) to the petitioner.

For Petitioner : Ms.R.Poornima

For Respondents : Mr. M.Fakkir Mohideen
Standing Counsel

ORDER

The petitioner seeks for a Mandamus directing the respondents to sanction the family pension of her deceased husband namely, R.Munusamy.

2. Heard both sides.

3. It seems that the petitioner's husband by name R.Munusamy was working as wireman in the respondent Board. He retired from service on 29.02.2000 and died on 14.03.2006. The petitioner, thus, claims family pension in pursuant to the death of the said Munusamy. As it is not considered, the present writ petition is filed.

4. A counter affidavit is filed by the respondents wherein it is stated that apart from the petitioner, one more person by name, M.Chandra also sent a representation to the first respondent on 05.09.2011 stating that she is the second wife of the deceased R.Munusamy and therefore, she is entitled for family pension. It is further stated in the counter that the said Chandra produced legal heir Certificate issued by the Tahsildar, Arakonam containing the name of Chandra and her two children as the legal heirs of R.Munusamy. It is seen that the petitioner has also produced the legal heir certificate issued by the Tahsildar, Pursaivakkam, Chennai, containing the petitioner's name and the name of her four children as the legal heirs of R.Munusamy.

5. Under the above facts and circumstances, it is evident that there is dispute between the parties for the right to claim the family pension from the respondents. Therefore, it is for the petitioner to work out the remedy before the competent Civil Court by filing appropriate proceedings to get a decree or succession certificate. Without doing so, the petitioner's request for issuing Mandamus cannot be considered.

6. Accordingly, without expressing any view on the merits of the claim made by the petitioner, this Writ Petition is disposed of by granting liberty to the petitioner to work out her remedy in a manner known to law before the competent Civil Forum. No costs.

Sd/--

Assistant Registrar(CS ix)

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Internal Audit Officer,
Board Office Audit Branch,
N.P.K.R.R.Malligai,
1st Floor, 144, Anna Salai, Chennai - 2

2. The Superintending Engineer,
Vellore Distribution Circle,
Gandhi Nagar, Vellore - 626 336.

+1cc to Ms.R.Poornima , Advocate SR.No. 81834

+1cc to Mr.M.Fakkir Mohideen , Advocate SR.No. 81254

W.P.No.15829 of 2017

ASK(19/12/2018)