



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.8416 of 2018

D.Merlin Tharmashipala

... Petitioner

-Vs-

1.The Accountant General (Accounts and Entitlement),
No.361, Annasalai,
Thenampettai, Chennai-600 018.

2.The District Collector,
Nagerkovil,
Kanyakumari District.

3.The District Educational Officer,
Kulithurai, Marthandam Post,
Kanyakumari District.

4.The Head Master,
Government Higher Secondary School,
Kaliyakkavilai-629 153,
Kanyakumari District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 05.02.2018 for giving the family pension of the petitioner's mother to this petitioner, not doing any work for earning and physically of the petitioner's handicapped situation.

For Petitioner : M/s.M.Punitha Devakumar
For R1 : Mr.P.Gunasekaran
For R2 to R4 : Mr.M.Murugan,
Government Advocate.

ORDER

The prayer sought for in the writ petition is for a Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 05.02.2018 for giving family pension of the petitioner's mother to this petitioner, by considering the physical ailments of the petitioner.

<https://hcservices.ecourts.gov.in/hcservices/>
2.Heard M/s.M.Punitha Devakumar, learned counsel appearing for the petitioner and Mr.P.Gunasekaran, learned counsel, who



accepts notice on behalf of the first respondent and Mr.M.Murugan, learned Government Advocate, who takes notice on behalf of the respondents 2 to 4.

3.By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

4.The case of the petitioner is that, her mother was working as Secondary Grade Teacher at Government High School at Kaliyakavilai and she had died on 29.05.2015. The petitioner is the only legal heir for the said mother and the petitioner is also physically challenged person. Therefore, the petitioner since was depending only her mother during her life time and her mother had suddenly died, she has no other source of income to prolong her life and therefore, she requested the authorities to give family pension. Though several times she made request, nothing was forthcoming. Therefore, final representation was made by the petitioner on 05.02.2018 to the respondents. Therefore, the learned counsel for the petitioner would submit that if the said representation dated 05.02.2018 is directed to be considered and an order to that effect is directed to be passed, within a time frame to be stipulated by this Court, the petitioner would be satisfied.

5.I have heard Mr.M.Murugan, learned Government Advocate appearing for the respondents 2 to 4, in this regard who would submit that the said request of the petitioner would be considered on merits and in accordance with law and an order to that effect would be passed, within a time frame to be stipulated by this Court.

6.Since the petitioner is a physically challenged person and her disability is 80%, she has not been in a position to go for any other work, there is nobody in the family to look after her and the breadwinner of the family i.e., the mother of the petitioner already died, it appears to be a pathetic and deserving case, where immediate indulgence should be shown by the respondents to clear the family pension to be payable to the petitioner.

7.In view of the above, there shall be a direction to the third respondent to consider the request of the petitioner forthwith and pass orders with regard to the sanctioning of the family pension to the petitioner and such order shall be passed by the third respondent within a period of four weeks from the date of receipt of a copy of this order.

8.Accordingly, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-I)

/True Copy/



To

1.The District Collector,
Nagerkovil,
Kanyakumari District.

2.The District Educational Officer,
Kulithurai, Marthandam Post,
Kanyakumari District.

3.The Head Master,
Government Higher Secondary School,
Kaliyakkavilai-629 153,
Kanyakumari District.

+1CC to Mr.M.Punitha Deva Kumar, Advocate, SR.No. 62027

+1CC to Mr.P.Gunasekaran, Advocate, SR.No. 61852

+1CC to the Special Government Pleader SR.No.62195

W.P (MD) No.8416 of 2018
18.04.2018

Myr

AM/JC/SAR 4/08.05.2018/3P/7C