



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.07.2018

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WEB COPY

THE HON'BLE Mr.JUSTICE R.SURESH KUMAR

W.P.(MD) No.16067 of 2018

D.Sarojini Bai

... Petitioner

-vs-

1. The Principal Accountant General (A & E),
361, Anna Salai, Teynampet,
Chennai-620 018.
2. The Treasury Officer,
Nagarkoil.
3. The Assistant Elementary Educational Officer,
Thuckalay,
Nagarkoil-629 175.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the respondents to consider the petitioner's representation dated 15.06.2018 and issue re-authorization order in her favour to receive the retirement benefits arrears, arrears of service pension of the petitioner's deceased husband late. Mr.A.Jabamony, with effect from 01.06.1999, along with interest at 12% per annum and to issue such other suitable orders.

For Petitioner : M/s.T.Banumathy
For R1 : Mr.P.Gunasekaran
For R2 & R3 : Mr.D.Muruganantham
Additional Government Pleader

O R D E R

The prayer sought for in this Writ Petition is for a writ of Mandamus, directing the respondents to consider the petitioner's representation dated 15.06.2018 and issue re-authorization order in favour of the petitioner to receive the retirement benefits arrears, arrears of service pension of the petitioner's deceased husband Mr.A.Jabamony, with effect from 01.06.1999, along with interest at 12% per annum.

<https://hcservices.courts.gov.in/hcservices/>

2.Heard Ms.T.Banumathy, learned counsel appearing for the



petitioner as well as Mr.P.Gunasekaran, learned Standing Counsel appearing for the first respondent and Mr.D.Muruganantham, learned Additional Government Pleader appearing for the second and third respondents.

3.It is submitted by the learned counsel appearing for the petitioner that the petitioner's husband late. A.Jabamony, was to receive the authorization for revised pension as he retired from service. But, before the authorization letter, issued by the first respondent office dated 21.05.2015 reached the second respondent office, the said retired Government servant died i.e, on 15.07.2015. Thereafter, the petitioner's wife, being the legal heir of the said deceased / Government Employee, had requested for reauthorization for revised pensionary benefits as well as the revised family pension benefits.

4.In this regard, even though the first respondent, by communication dated 13.06.2016, requested the second respondent to forward those authorization communications as well as the Non Payment Certificate for cancellation of the earlier authorization issued in favour of the deceased / the Government Employee and to re-authorise the same to the legal heir, the second respondent has not sofar acted upon.

5.In this regard, even though a representation has been given on 15.06.2018 to the respondents by the petitioner being the legal heir of the deceased employee, nothing was forthcoming and no action has been made, therefore, the petitioner is before this Court.

6.I have heard Mr.P.Gunasekaran, learned Standing counsel appearing for the first respondent, who would submit that, on the part of the first respondent, on 13.06.2016, a communication had been sent to the second respondent to send the proposal once again with Non Payment Certificate for cancellation and to re-authorise the same to the legal heir of Late.Mr.A.Jebamany, to the first respondent Office. However, the second respondent has not sofar acted upon, in spite of request in this regard made by the first respondent office.

7.I have heard the learned Additional Government Pleader appearing for the respondents 2 and 3, who would submit that, certainly the said proposal sought for by the first respondent through their communication dated 13.06.2016 would be sent by the second respondent immediately.

8.Considering the said submissions made by the learned counsel appearing for the parties and by taking into account, the factual matrix of the case, this Court is inclined to pass the following order:-



DCRG with Non Payment Certificate for the purpose of cancellation of the earlier issue in the name of the petitioner's husband within a period of two weeks to the first respondent and on receipt of the same from the second respondent, the first respondent shall act upon and issue a revised authorization in favour of the petitioner, who is the wife and legal heir of the deceased and such exercise shall be undertaken by the respondents within a period of four weeks from the date of receipt of a copy of this order."

9.The Writ Petition stands disposed of accordingly. No costs.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1. The Principal Accountant General (A & E),
361, Anna Salai, Teynampet,
Chennai-620 018.
2. The Treasury Officer,
Nagarkoil.
3. The Assistant Elementary Educational Officer,
Thuckalay,
Nagarkoil-629 175.

+ 1 CC TO Ms.T.BANUMATHY, ADVOCATE IN SR No. 74522
+ 1 CC TO Mr.P.GUNASEKARAN, ADVOCATE IN SR No. 74776

TSG
TE/SKN/SAR-2 : 28/09/2018 : 3P/6C

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