



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No. 2768 of 2017

S.Pushpavalli

.. Petitioner

Vs.

1.The Senior Accounts Officer,
O/o. the Principal Accountant General (A&E)
Tamil Nadu,
No.361, Anna Salai,
Chennai - 600 018.

2.The District Educational Officer,
Thanjavur,
Thanjavur District.

3.The Assistant Elementary Educational Officer,
Budalur,
Thanjavur District - 613 604.

4.The Treasury Officer,
District Treasury,
Thanjavur District,
Thanjavur.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the the fourth respondent herein to implement the order passed by the first respondent vide Proceedings No.P13/2/11309127/PPO No.D1309127 dated 28.01.2015 and consequential proceedings in Ag (A&E)/ Pen13/4/11309127/FP/2015-16/8/4253, dated 06.04.2016 in connection with payment of arrears of family pension to the petitioner from 04.06.1989 till 28.01.2015 within the time stipulated by this Court.

For petitioner	: Mr. J.Lawrance
For R-1	: Mr. P.Gunasekaran
For R- 2 to 4	: Mr. M.Jeyakuamar
	Additional Government Pleader

O R D E R

Mr.P.Gunasekaran, learned Standing Counsel takes notice for the first respondent. Mr.M.Jeyakumar, learned Additional Government Pleader takes notice for the respondents 2 to 4.

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2. By consent of both parties, the main writ petition is

taken up for final disposal at the stage of admission itself.

3. The petitioner's husband was employed as teacher. He retired on 31.08.1981. He was receiving pension. He passed away on 31.05.1989. The petitioner is presently receiving family pension. But for the period from 04.06.1989 to 28.01.2015, the petitioner was not paid. This was on account of some misconception entertained by the fourth respondent. Be that as it may, the petitioner's entitlement to receive family pension cannot be disputed. The petitioner firmly asserts that she did not receive even a single pie during the aforesaid period. Therefore, the petitioner cannot be called upon to furnish the particulars of the payments received by her.

4. In these circumstances, the fourth respondent is directed to pay the arrears of family pension payable to the petitioner from 04.06.1989 to 28.01.2015 within a period of twelve weeks. It was made clear that the pension arrears will not carry any interest.

5. This Writ petition is allowed accordingly. No costs.

Sd/

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

To:

1.The Senior Accounts Officer,
O/o. the Principal Accountant General (A&E)
Tamil Nadu,
No.361, Anna Salai,
Chennai - 600 018.

2.The District Educational Officer,
Thanjavur, Thanjavur District.

3.The Assistant Elementary Educational Officer,
Budalur,
Thanjavur District - 613 604.

4.The Treasury Officer,
District Treasury,
Thanjavur District,
Thanjavur.

+1cc to M/s.Special Government Pleader,SR.No. 50225

+1cc to Mr.J.LAWRANCE, Advocate, SR.No.49875

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KMI

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