



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED 11.09.2018
CORAM
THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P (MD) No.24054 of 2016
and
W.M.P (MD) No.17355 of 2016

N.Uma Rani ..Petitioner/Petitioner

-Vs-

1.The Audit and Accountant General (A&E),
Anna Salai, Teynampet, Chennai-18.

2.The District Forest Officer,
Tirunelveli Division,
NGO A Colony, Tirunelveli.

3.The Tahsildar,
Radhapuram Taluk,
Radhapuram, Tirunelveli District.

4.The Sub-Treasury,
Radhapuram, Radhapuram Taluk,
Tirunelveli District.

5.Ponnuthai. ..Respondents/Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents 1 and 2 to grant the family pension payable to the Petitioner as per Section 49(6)(iii)(i) of the Tamil Nadu Pension Act and Rules and also to direct the respondents 1 and 2 to recover the pension amount paid to the 5th respondent from the year 1993 by considering the representation dated 19.10.2016 of the Petitioner within the time stipulated by this Court.

For Petitioner	: Mr.S.Sivathilakar
For Respondent-1	: Mr.P.Gunasekaran
For Respondents	: Mr.R.Sethuraman
2 to 4	Special Govt.Pleader
For Respondent-5	: Mr.S.Saji Bino

ORDER

The Petitioner has come forward with this Writ Petition to issue a Writ of Mandamus directing the respondents 1 and 2 to grant the family pension payable to the Petitioner as per Section 49(6)(iii)(i) of the Tamil Nadu Pension Act and Rules and also to direct the respondents 1 and 2 to recover the pension amount paid to the 5th respondent from the year 1993 by considering the representation, dated 19.10.2016 of the Petitioner within the time stipulated by this Court.



2. When matter is taken up for hearing today, the learned counsel for the Petitioner and 5th respondent submitted that the Petitioner and the 5th respondent compromised the matter between themselves and have also filed a memo of compromise, dated 8.2.2017 to that effect, duly signed by them and by their respective counsels. The terms of the Memo of compromise reads as follows:

'2. After filing the Writ Petition, the Writ Petitioner and the 5th respondent have amicably settled the issue involved in the Writ Petition, in the following terms:-

a) That the Writ Petitioner and the 5th respondent have agreed to apportion the family pension payable to the father of the Writ Petitioner and husband of the 5th respondent, at 50% pension amount each from March 2017.

b) That the Writ Petitioner has agreed that she will not claim any pension amount, which has already been disbursed to the fifth respondent.

c) That the Writ Petitioner does not dispute the fact that the 5th respondent is the legally wedded wife of the deceased Navamani Nadar.

It is therefore prayed that this Honourable Court may be pleased to record the above Memo of Compromise and dispose of the Writ Petition in terms of the Memo of Compromise and pass such further or other orders as this Honourable Court may deem fit and proper in the facts and circumstances of the case and thus render justice.'

3. Accordingly, the Writ Petition is disposed of in terms of the Memo of Compromise. If any amount is deprived to the fifth respondent pursuant to the orders of this Court, that portion of the amount shall be released to the fifth respondent. The Memo of Compromise shall form part and parcel of the record. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1. The District Forest Officer,
Tirunelveli Division,
NGO A Colony,

<https://hcservices.ecourts.gov.in/hcservices/>
Tirunelveli.



2.The Tahsildar,
Radhapuram Taluk,
Radhapuram,
Tirunelveli District.

3.The Sub-Treasury,
Radhapuram,
Radhapuram Taluk,
Tirunelveli District.

+1CC to Mr.P.Gunasekaran, Advocate, SR.No.83858
+1CC to Mr.S.Sivathilakar, Advocate, SR.No. 83593
+1CC to Mr.J.ASHOK, Advocate, SR.No.84126
+1CC to the Special Government Pleader SR.No.84304

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