

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2019

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.29747 of 2007 and
M.P.No.1 of 2007

Alphonsa

...Petitioner

Versus

1. The Superintendent of Police,
Dharmapuri,
Dharmapuri District.
2. The Accounts Officer,
Office of the Principal Accountant General
(A&E), 361, Lekha Pariksha Bhawan,
Annasalai and Teynampet,
Chennai-18.
3. The District Treasury Officer,
Dharmapuri,
Dharmapuri District.

4.Suvikin

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the proceedings of the 2nd respondent in his office Ref: PO4/4/C39-476/FP/2007-2008/3247, 3248, 3249 dated 02.08.2007 and quash the same.

For Petitioner : Mr.P.Mani

For Respondents : Mr.K.Ravi Kumar, A.G.P.
1 and 3

For 2nd respondent : Mr.T.S.Selvarani,
Standing Counsel

O R D E R

Alphonsa, who claims to be the legally wedded wife of late Mr.A.Cruz and died on 12.1.2014 while in service as Grade I Police Constable, has come to this Court challenging the

impugned Proceedings dated 02.08.2017 issued by the Accounts Officer, the 2nd respondent herein wherein and whereby, it has been stated that the payment of arrears of family pension will be given to one Mr.Suvikin, who is the son of the petitioner husband's second wife/concubine.

2. Learned Counsel for the petitioner submitted that when the marital status of Kaveriammal in respect of claim that she is the widow of late A.Cruz is pending consideration, the 2nd respondent ought not to have passed the impugned order for payment of 50% of the family pension to the son of the concubine, namely, Kaveriammal.

3. It is at this stage, the learned Standing Counsel for the 2nd respondent and the learned Additional Government Pleader appearing for the respondents 1 and 3 submitted that already there was an agreement reached between the 1st wife and 2nd wife and their children. As per the said agreement, the petitioner and the 4th respondent agreed that they would take 50% of the family pension and the said 50% would be given to the 4th respondent till he attains majority and after his attaining the age of majority, the petitioner will be paid with 100% family pension. It is further submitted that now during the pendency of the writ petition, the 4th respondent also became major and thereafter, the 2nd respondent has stopped making continuous payment to the 4th respondent and now the petitioner is enjoying the full benefit of the family pension. Therefore, nothing survives in the writ petition.

4. In view of the above, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

tsi

To

1. The Superintendent of Police,
Dharmapuri,
Dharmapuri District.

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2. The Accounts Officer,
Office of the Principal Accountant General
(A&E), 361, Lekha Pariksha Bhawan,
Annasalai and Teynampet,
Chennai-18.

3. The District Treasury Officer,
Dharmapuri,
Dharmapuri District.

+1cc to Mr.P.Mani, Advocate, S.R.No.11286

+1cc to Mr.T.S.Selvarani, Advocate, S.R.No. 12198

W.P.No.29747/2007

KJI (CO)
GN(07/03/2019)



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