

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 22.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.12420 of 2005

Geetha

...Petitioner

Vs

1. Director of Animal Husbandry
Veterinary Service,
Central Office Building,
Anna Salai,
Teynampet, Chennai - 18.
2. The Joint Director of Animal
Husbandry,
Veterinary Services,
Andipatti Bungalow,
Pon Nagar, Trichy.
3. The Assistant Director of Animal
Husbandry,
Palakkarai,
Trichy.
4. Anand
5. R.Aruna Devi

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus directing the respondents 1 to 3 to disburse the monetary benefits due to the petitioner, her daughter and the respondents 4 and 5 and to sanction the pension due to the petitioner.

For Petitioner

: Mr.P.Duraisamy

For Respondents

: Mrs.K.Bhuvaneswari, AGP
for R1 to R3

Mrs.A.Arulmozhi
for R4 & R5

O R D E R

While the petitioner's husband Dr.A.Raju was employed as a Assistant Surgeon in the Department of Animal Husbandry, Veterinary Service at Puthur, he died leaving behind the petitioner herein and the respondents 4 and 5 as his only surviving legal heirs. When the petitioner and the respondents 4 and 5 had approached the first respondent herein seeking for family pension, the same was not processed on the ground that the petitioner's name did not find place in the legal heirship certificate. Aggrieved against the same, the present writ petition has been filed.

2. It is submitted by the learned counsel for the petitioner that the respondents 4 and 5 are the children of late Dr.A.Raju of his first wife, who was legally divorced and thereafter, he married the petitioner herein. As such, the surviving legal heirs are the petitioner and the respondents 4 and 5 herein. Since the earlier legal heirship certificate did not carry the name of the petitioner herein, the subsequent legal heirship certificate evidencing the name of the petitioner herein, the respondents 4 and 5 as well as the petitioner's minor daughter, was submitted to the respondents herein on 27.12.2007.

3. The learned Additional Government Pleader, on written instructions submitted that such a legal heirship certificate has been received on 27.12.2007, evidencing the names of the petitioner as well as the respondents 4 and 5 and the petitioner's minor daughter as the legal heirs of late Dr.A.Raju. As such, there could not be any impediment for the first respondent to process their family pension. The learned Additional Government Pleader also submitted that in connection with the release of family pension, the petitioner herein was directed to appear before the second respondent herein and however, since the writ petition was pending, no effective orders could be passed.

4. In my view, the pendency of the writ petition would not preclude the respondents to release the family pension, since the proper legal heirship certificate has been produced before the first respondent on 27.12.2007 itself and hence, the legal heirs of Dr.A.Raju will be entitled for payment of interest also on the arrears of the family pension.

5. In the light of the above observations, the first respondent herein is directed to forthwith release the family pension to the petitioner, atleast within a period of 8 weeks from the date of receipt of copy of this order. The first respondent shall disburse the monetary benefits arising out of the death of the employee Dr.A.Raju to all his legal heirs. The

first respondent shall also disburse the arrears of pension along with interest at the rate of 6% per annum.

6. With the above observations, the writ petition stands allowed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

hvk

To

1. The Director of Animal Husbandry
Veterinary Service,
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Veterinary Services,
Andipatti Bungalow,
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3. The Assistant Director of Animal
Husbandry,
Palakkarai,
Trichy.

+2 ccs to Mr.P.Duraisamy, Advocate, S.R.No.38420

+1 cc to M/s.A.Arulmozhi, Advocate, S.R.No.38059

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NMI (CO)
SSM(28/05/2019)

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