

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2019

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P. No.38172 of 2004
and
W.P.M.P. No.45701 of 2004

Lakshmi Ammal

... Petitioner

Vs

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

2.Vasuki

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st respondent herein to pay the pensionary benefits of the petitioner's late husband Mr.Jothilingam, who retired as Sub-Inspector of Police on his superannuation at Vikravandi Police Station, Villupuram District, to the petitioner herein.

For Petitioner : Mr.K.Govi Ganesan

For Respondents

For R1 : Mrs.K.Bhuvaneswari
Additional Government Pleader

For R2 : No appearance

O R D E R

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The prayer sought for in the writ petition is for a direction to the 1st respondent to pay the pensionary benefits of the petitioner's husband late Jothilingam, who retired as Sub-Inspector of Police, Vikravandi Police Station, Villupuram District, to the petitioner herein.

2.The petitioner herein claims to be the wife of the

deceased Jothilingam, while the 2nd respondent is alleged to be the concubine of her late husband. Since, the late Jothilingam had nominated the 2nd respondent for his pensionary benefits in his service records, the 1st respondent had also passed appropriate orders directing payment of all the pensionary benefits to the 2nd respondent herein with effect from the date of death of Jothilingam, i.e. from 26.06.2003 onwards.

3.It is seen that, from 26.06.2003 till date, the 2nd respondent has been receiving the pensionary benefits of late Jothilingam for the past almost 16 years. It is also brought to the notice of this Court that the 2nd respondent herein is now taking care of the petitioner, who is undergoing medical ailment. After a lapse of so many years and in view of the fact that the 2nd respondent is claiming to be taking care of the petitioner herein, it would not be appropriate to grant the relief sought for in the present writ petition.

4.In the light of the observations, I find no reason to consider the prayer sought for in the present writ petition. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

mkn

To

The Superintendent of Police,
Villupuram,
Villupuram District.

+1cc to the Government Pleader, S.R.No.14158

SJ(CO)
GN(11/03/2019)

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