

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2019

CORAM:

THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

W.P.No.3567 of 2013

N.Kamala

... Petitioner

.vs.

1. State of Tamil Nadu,
rep. By the Secretary to Government,
Public Works Department,
Fort St. George,
Chennai 600 009.
2. The Director General,
(Highways Department)
PWD Buildings,
Chepauk, Kamarajar Salai,
Chennai 600 005.
3. The Divisional Engineer,
(Highways Department)
Construction and Maintenance,
Jawaharlal Nehru Road,
MSK Complex,
Tiruvallur - 602 001.
4. The Accountant General,
Teynampet,
Chennai.

... Respondents

(R4 suo motu impleaded vide order
dated 17.07.2019 made in
W.P.No.3567 of 2013)

Writ Petition filed under Article 226 of the Constitution of India seeking for the issuance of a writ of Certiorarified mandamus, calling for the records of the 3rd Respondent relating to the issue of impugned order letter No.3836/2012/Na3, dated 09.11.2012 and quash the same and direct the 2nd Respondent to sanction family pension to the Petitioner from 17.10.2011, order payment of costs.

For Petitioner : Mr.G.Thyagarajan

For Respondents

1 to 3 : Mr.P.S.Sivashanmugasundaram,
Special Government Pleader

For 4th Respondent: Mr.V.Vijayashankar

O R D E R

Petitioner has come up with the present Writ Petition challenging the order dated 09.11.2012 passed by the 3rd Respondent in Letter No.3836/2012/Na3, and for a consequential direction to the 2nd Respondent to sanction family pension to her from 17.10.2011 and order payment of costs.

2. When the matter was taken up for hearing on 17.07.2019, this Court, suo motu impleaded the Accountant General, Teynampet, Chennai as 4th Respondent to the Writ Petition, to ascertain as to whether the proposal for granting pension to the Petitioner has been considered.

3. Today, learned counsel appearing for the 4th Respondent/Office of the Accountant General (A & E), Chennai, produced a communication dated 23.07.2019, wherein, it is stated that necessary authorization letter for payment of family pension to the Petitioner with effect from 17.10.2011 had already been issued vide Letter dated 04.09.2013 under PPO No.1002/Ex-Gratia. For better appreciation, the contents of the said Communication are extracted hereunder:

"W.P.No.3567 of 2013 filed by Smt.N.Kamala

In W.P.No.3567 of 2013, the Petitioner, Smt.N.Kamala has prayed for a direction for the payment of family pension that is payable in respect of her deceased husband Sri.N.P.Narayanan, who served as Sargaent-cum-Store Keeper in the Highways Department, retired from service on 31.07.1961 and expired on 16.10.2011.

It is respectfully submitted that necessary authorization letter for the payment of family pension with effect from 17.10.2011, to Smt.N.Kamala, the Petitioner had already been issued in this Office letter No.Pen 33/III/13310536/FP, dated 04.09.2013 under PPO No.1002/Ex-Gratia.

A Demi Official letter dated 22.07.2019 has been issued to the Pension Pay Officer,

Chennai-6, to confirm the payment of family pension to the Petitioner.

On receipt of reply, further action, if any required, would be taken."

4. In view of the same, no further orders are required in this matter and the Writ Petition is closed. No costs. Consequently, connected M.P.No.1 of 2013 is closed.

(aeb)

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Secretary,
State of Tamil Nadu,
Public Works Department,
Fort St. George,
Chennai 600 009.
2. The Director General,
(Highways Department)
PWD Buildings,
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3. The Divisional Engineer,
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Construction and Maintenance,
Jawaharlal Nehru Road,
MSK Complex,
Tiruvallur - 602 001.
4. The Accountant General,
Teynampet,
Chennai.

+1cc to Mr.G.Thyagarajan, Advocate, SR.No.64289
+1cc to Mr.V.Vijay Shankar, Advocate, SR.No.63886
+1cc to the Govt.Pleader, Vide Sr.No.64210

W.P.No.3567 of 2013

Kak(14/09/2019)