

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 07.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.685 of 2014
and MP.No.1 of 2014

M.Govindammal

..Petitioner

Vs

- 1.The Principal Accountant General
O/o.Principal Accountant General
(Account and Entitlement)
Tamil Nadu
No.36, Anna Salai,
Chennai.
- 2.The Director
Public Health and Preventive Decease
Anna Salai, Chennai
- 3.The Deputy Director of Health Service
Krishnagiri- 635 125
- 4.Block Medical Officer
Primary Health Centre
Barur, Krishnagiri Taluk
and District ..Respondents

Prayer:- This Writ Petition is filed, under the Article 226 of Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records from the 1st respondent pertaining to the impugned order in Pen 13/IV/21306257/FP/2013-14/ADK dated 18.10.2013 and quash the same and consequently direct the respondents to settle the death benefits and all other monetary benefits like gratuity, SPF, Family Pension etc of the deceased Mathammal to the Petitioner with arrears and with interest at 12% per annum.

For Petitioner : Mr.P.Vijendran

For Respondents : Mr.V.Vijay Shankar for R1
Mr.B.Anand, Government Advocate
for R2 to R4.

ORDER

This Writ Petition is filed challenging the order of the 1st respondent dated 18.10.2013 and seeks to quash the same and to consequently direct the respondents to settle the death benefits and all other monetary benefits like gratuity, SPF, Family Pension etc of the deceased Mathammal to the Petitioner with arrears and with interest at 12% per annum.

2. The Writ Petitioner's daughter viz., M.Madhammal was working as a Village Health Nurse in Narasampathi Primary Health Centre. It is stated in the affidavit filed in support of the Writ Petition that Madhammal was brutally murdered on 31.08.1992. The Petitioner herein is stated to have approached the respondents for death benefits and all other benefits of the deceased daughter. The Petitioner also made a representation to all authorities, however, her claim was not properly considered.

3. It is submitted by learned counsel for respondents that the 2nd respondent sent a proposal to the 1st respondent to sanction the family pension to the Petitioner. The 1st respondent returned the pension proposal calling for the requisite documents through the letter dated 26.06.2013. Thereafter, the third respondent forwarded the Family pension proposal in 10/2013 inter alia along with the income certificate of the Petitioner certifying her annual income to be Rs.32,000/- and further as per the dependency certificate dated 11.07.2013 issued by the Village Administrative Officer, Pochampalli, the Petitioner was dependant on her fourth son for her livelihood. Accordingly, the impugned order was passed rejecting the claim for Family pension through proceedings dated 18.10.2013.

4. The learned counsel for the first respondent would submit that the petitioner had not fulfilled the conditions stipulated in G.O.327 dated 30.08.2001 as her annual income exceeded the income limit and further she was not dependant on the deceased Government Servant. However, the learned counsel for the 1st respondent submits that if the Petitioner resubmits the claim petition along with substantial documents, the same will be considered in accordance with law.

5. In the light of the aforesaid submission, this court is inclined to direct the Petitioner to resubmit the proposal/claim Petition by furnishing explanation for the queries raised by the respondents along with substantial documents, if any, to the 3rd respondent-Deputy Director of Health Service, Krishnagiri, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such proposal, the 3rd respondent shall forward the same to the 1st respondent to consider the proposal for payment of family pension to the Petitioner, in

accordance with law, within a period of eight weeks thereafter.

6. The Writ Petition is disposed of with the above direction.
No costs. Consequently, connected MP is closed.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

nvsri

To

- 1.The Principal Accountant General
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Tamil Nadu
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Public Health and Preventive Decease
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Krishnagiri- 635 125
- 4.Block Medical Officer
Primary Health Centre
Barur, Krishnagiri Taluk and District

+1cc to Mr.V.Vijay Shankar, Advocate, S.R.No. 22811
+1cc to the Government Pleader, S.R.No. 22659

W.P.685 of 2014

SR(CO)
GN(03/05/2019)

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