

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI
W.P.No.18318 of 2019

R.Lakshmi

... Petitioner

Versus

1.The Accountant General of Tamilnadu,
(Accounts and Settlement)
Office of the Accountant General,
No.366, Anna Salai,
Teynampet, Chennai - 600 018.

2.The Sub-Collector/Revenue Divisional Officer,
Namakkal District,
Namakkal.

3.The Tahsildar,
Rasipuram Taluk,
Rasipuram - 637 408.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the first respondent to grant family pension to the petitioner from March 2010, as per the Revised Corrected application rectifying the defects dated 09.02.2018.

For Petitioner : Mr.K.R.Krishnan

For Respondents: Mrs.J.Sreevidhya, (for R1)
Standing Counsel (PAG)

: Mr.A.N.Thambidurai, (for R2 & R3)
Special Government Pleader.

ORDER

The Writ of Mandamus has been filed by the petitioner seeking, direction to direct the first respondent to grant family pension to the petitioner from March 2010, as pr the Revised Corrected application rectifying the defects dated 09.02.2018.

2.The case of the petitioner is that the petitioner's husband Mr.A.R.Periyaswamy worked as Village Administrative Officer in Kakaveri Village, Rasipuram Taluk, Namakkal District. After the demise of his first wife one Nagammal, he married the petitioner herein on 14.11.1994 and out of their wed-lock, they begotten one male child namely Murugan, who is living with her and there was no issues to the first wife. After his retirement, he died on 24.02.2010 and the petitioner herein has nominated as nominee to receive the pension. Hence, the petitioner made a representation dated 23.08.2017 before the Tahsildar/fourth respondent herein and the same was forwarded to the Revenue Divisional Officer/ the second respondent herein. Since, the petitioner was a second wife of her husband, the authorities sought a declaration from the Civil Court that the petitioner and his son are the only legal heirs of the late A.R.Periyaswamy. Thereafter, the petitioner had filed O.S.No.184 of 2012 before the District Munsif Court, Rasipuram for the above said relief, which was decreed on 19.09.2013. But, till date the petitioner's representation was not consider. Therefore, the petitioner filed this present Writ petition for the above said prayer.

3.It is stated by the learned counsel for the petitioner that there are two defects in the petitioner's representation, which were rectified and the petitioner sent a revised representation letter on 09.02.2018, for grant of family pension from the date of demise of her husband.

4.Mr.A.N.Thambidurai, learned Additional Government Pleader appearing for the third and fourth respondent has agreed to consider the petitioner's revised representation.

5. In view of the limited relief sought for, this Court is of the view that it is not necessary to dwell into the merits of the issue, but it would be suffice to direct the respondents to consider the representation submitted by the petitioner on 09.08.2018 and pass orders on the same within a particular time frame.

6.In the above circumstances, this writ petition is disposed of directing the first respondent to consider the representation of the petitioner dated 09.02.2018 and pass orders thereon, in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

klt
To

- 1.The Accountant General of Tamilnadu,
(Accounts and Settlement)
Office of the Accountant General,
No.366, Anna Salai,
Teynampet, Chennai - 600 018.
- 2.The Sub-Collector/Revenue Divisional Officer,
Namakkal District,
Namakkal.
- 3.The Tahsildar,
Rasipuram Taluk,
Rasipuram - 637 408.

+1 cc to the Government Pleader sr91092
+1 cc to Mrs.J.Sreevidhya Advocate sr91034
+1 cc to Mr.K.R.Krishnan Advocate sr90576

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