

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2019

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.15667 of 2014

A.Ramatha

... Petitioner

vs

1.The Assistant Executive Engineer,
Electrical Sub Division - V,
Public Works Department,
Chepauk, Chennai - 600 005.

2.The Accountant General,
A & E Department,
Teynampet,
Chennai - 600 018.

3.The Pension Pay Officer,
Pension Pay office,
Nungambakkam, Chennai - 600 006.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus to direct the respondents to consider the petitioner's representation dated 16.04.2014 and thereby direct the 3rd respondent to pay the arrears of family pension for a period of 14-10-2005 to 17-10-2008 totally a sum of Rs.51,800/- (37 x 1,400/-) to the petitioner immediately on the light of the proceedings dated 02-08-2011 of the 1st respondent herein.

For Petitioner

: Mr.B.Gopalakrishnan

For Respondents 1 & 3

: Mr.B.Anand
Government Pleader

For Respondent 2

: Mr.S.Balaji

O R D E R

This writ petition has been filed by the petitioner to direct the respondents to consider his representation dated 16.04.2014 and thereby direct the 3rd respondent to pay the arrears of family pension for the period of 14-10-2005 to 17-10-

2008, totally a sum of Rs.51,800/- (37 x 1,400/-) to him immediately on the light of the proceedings dated 02-08-2011 of the 1st respondent herein.

2. According to the petitioner, he has obtained Succession Certificate in O.P.No.877 of 2010. Pursuant to the said order, the petitioner received family pension from the respondent with effect from 01.10.2011. The petitioner has made a representation dated 16.04.2014 to the second respondent to pay arrears of pension amount to him from 14.10.2005 to 17.10.2008, based on the succession certificate. Till date, no order has been passed by the second respondent.

3. The learned counsel for the second respondent would submit that the family pension amount for the deceased Arumugam was originally received by one Kalavathi claiming to be the wife of the deceased, on the basis of the particulars given by the deceased with the department, from 14.10.2005 to 17.10.2008. Therefore, the representation made by the petitioner cannot be considered.

4. By considering the rival submissions of the learned counsel on either side that one Kalavathi has obtained family pension from 14.10.2005 to 17.10.2008 and pursuant to the order of this Court in O.P.No.877 of 2010 dated 28.06.2011, the petitioner was obtaining family pension with effect from 01.10.2011, the relief as prayed for in the writ petition cannot be considered and the writ petition deserves to be rejected.

5. Accordingly, the writ petition is dismissed. No costs. However, the petitioner is at liberty to seek appropriate remedy before the concerned Civil Court.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Assistant Executive Engineer,
Electrical Sub Division - V,
Public Works Department,
Chepauk, Chennai - 600 005.

2.The Accountant General,
A & E Department,
Teynampet,
Chennai - 600 018.

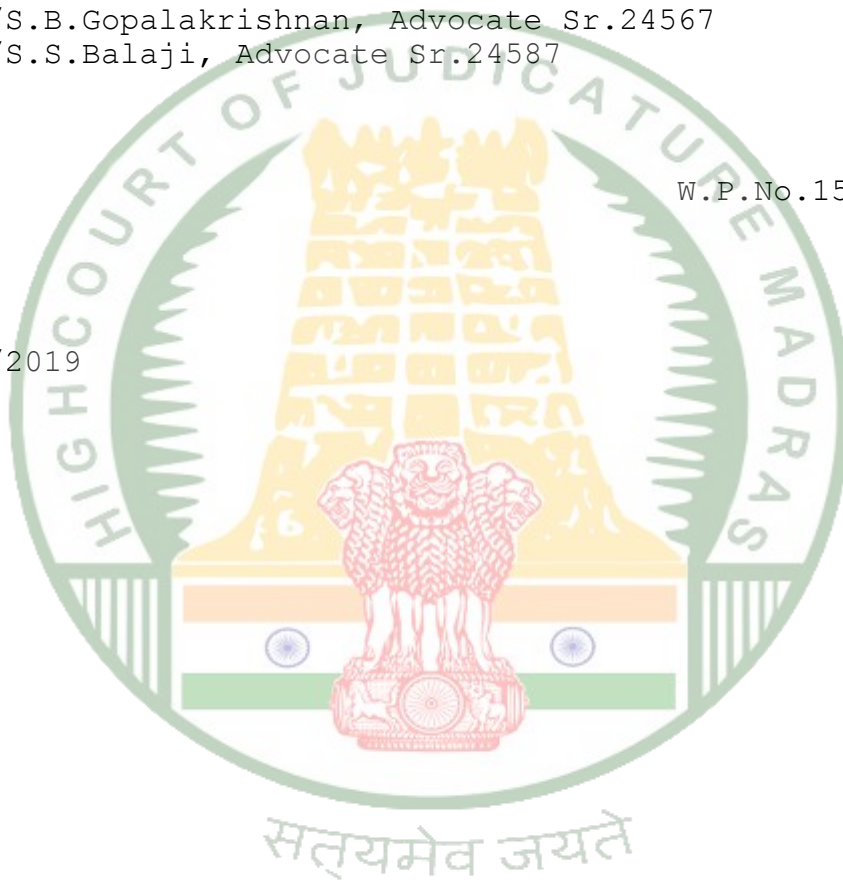
3.The Pension Pay Officer,
Pension Pay office,
Nungambakkam, Chennai - 600 006.

+1cc to M/S.B.Gopalakrishnan, Advocate Sr.24567

+1cc to M/S.S.Balaji, Advocate Sr.24587

W.P.No.15667 of 2014

vsn II[co]
srg 30/04/2019



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