

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. No.21041 of 2019

N.Premalatha

... Petitioner

Versus

1. The District Collector,
Tiruppur District,
Tiruppur.
 2. The Principal Accountant General,
Office of the Accountant General,
Teynampet,
Chennai.
 3. The Tahsildar,
Taluk Office, Dharapuram,
Tiruppur District.
 4. The Assistant Treasury Officer,
Dharapuram,
Tiruppur District.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents to grant family pension to the petitioner as per the G.O.Ms.No.325 Finance Department (Pension) dated 28.11.2011.

For Petitioner : Mr.K.Balaji

For Respondents: Mr.A.N.Thambidurai,
Special Government Pleader

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ORDER

This Writ petition has been filed seeking to direct the respondents to grant family pension to the petitioner as per the G.O.Ms.No.325 Finance Department (Pension) dated 28.11.2011.

2.Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents. By consent of both sides, the writ petition is taken up for final disposal at the admission stage itself.

3.It is the case of the petitioner that the petitioner's father was employed as Driver in Land Revenue Assistant Office at Darapuram, Tiruppur District. On 24.02.1987, the

petitioner's father died leaving behind his wife and 3 daughters including the petitioner herein. Thereafter, the petitioner's mother received his pension till her death. Out of the three, two daughters were married, the petitioner is unmarried. Now, the petitioner claiming a family pension under the category of unmarried daughter as per G.O.Ms.No.325, dated 28.11.2011 and subsequently amended G.O.Ms.No.165, dated 21.05.2012. Based on the same issue, the petitioner made a representation dated 14.06.2018 before the first respondent, seeking family pension. Till date, the petitioner's representation was not considered. Hence the present writ petition is filed.

4.The learned counsel for the petitioner submitted that the petitioner studied only 10th standard and she has no work to lead his day to day life. Therefore, in order to avail the family pension as per the Government order in G.O.Ms.No.325, dated 28.11.2011 as well as G.O.Ms.No.165, dated 21.05.2012, she made a representation before the first respondent/ the District Collector and enclosed the copy of the same to the third and fourth respondent, through a registered post with acknowledgment. Further, he would submit that it would suffice if a direction to the first respondent to consider the representation of the petitioner dated 14.06.2018, within a stipulated time as fixed by this Court.

5.The learned Special Government Pleader appearing for the respondents has stated that the pension proposal claimed by the petitioner for grant of family pension before the first respondent/the District Collector, which was in turn vide that office letter Rc.3639/A4/2015, dated 07.08.2019 for sanction and for onward transmission sent to the second respondent for approval of family pension of the petitioner herein.

6.Considering the facts and circumstances of the case and the submissions made on either side, without going into the merits of the case, this Court is inclined to direct the the respondents to consider and to dispose of the representation of petitioner dated 14.06.2018 and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of copy of this order.

7.With the above direction, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

To

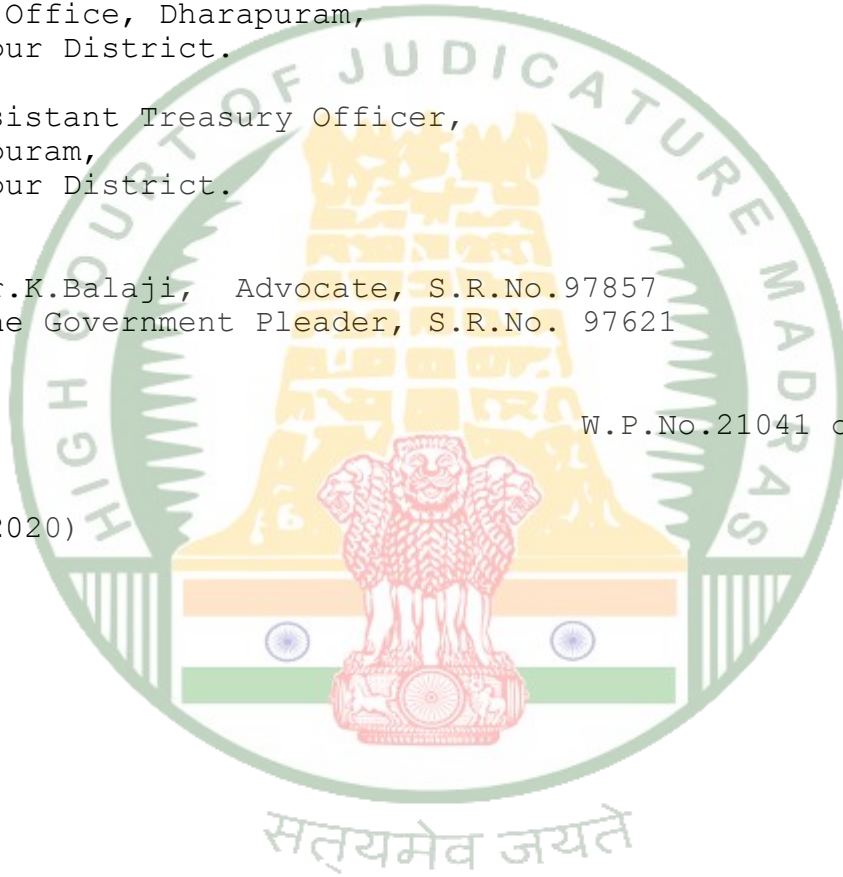
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+1cc to Mr.K.Balaji, Advocate, S.R.No.97857

+1cc to the Government Pleader, S.R.No. 97621

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NMI (CO)
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