

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No. 30944 of 2019

1 S.BANUMATHI ... Petitioner

Vs

- 1 The Director
Highways Research Station, Guindy,
Chennai 600 025
- 2 The Office of the Principal
Accountant General (Accounts and
entitlement) No. 361,
Anna salai, Chennai 600 002. ... Respondents

Prayer: Petitions filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to Directing the respondents to sanction the family pension to the petitioner mentioned in the nomination and legal heirship Certificate of late Mr.K.G. Shankar Singh (driver) consider the petitioners Representation dated 04.06.2019 to sanction the family pension of the petitioners husband.

For Petitioner : Mr.T.Ramadevi

For Respondents : Ms.M.Lalitha, GA

ORDER

1.This writ petition has been filed seeking for issuance of a Writ of Mandamus to direct the respondents to sanction the family pension to the petitioner mentioned in the nomination and legal heirship Certificate of late Mr.K.G. Shankar Singh (driver) consider the petitioner's Representation dated 04.06.2019 to sanction the family pension of the petitioner's husband.

2.The case of the petitioner is that the petitioner is the second wife of one late Mr.K.G.Shankar Singh who worked as Driver in the office of the Director Highways Research Station, Guindy, Chennai 600 025 and retired from service on attaining the age of superannuation on 31.05.2014 and thereafter he was drawing family pension and later he died due to illness on 05.06.2017 leaving behind the petitioner

as his legal heir being his wife. According to the petitioner, her husband already married one S.Kalavathy who died on 17.04.1996 and after her death he again married the petitioner and out of their wedlock two sons were born and now the petitioner is looking after daughter who was born to first wife of her husband and his mother. She has stated that her husband had nominated the petitioner's name in the official record as his wife and it was also recorded. After the death of her husband, the petitioner made representation on 11.06.2019 to the respondents seeking to sanction family pension to her. However, as there is no action forthcoming the petitioner is before this Court.

- 3.The learned counsel for the petitioner would submit that the petitioner is the second wife of the deceased employee who married the petitioner after the death of his first wife and he also nominated the petitioner as his nominee and the same was entertained in the official records and thereafter being legal heir of the deceased employee, the petitioner is entitled for the family pension. However, despite the representation made by her the respondents have not considered and passed any orders therein. Hence the learned counsel would pray that it would suffice if this Court directs the respondent and to consider and dispose of the representation made by the petitioner in accordance with law.
- 4.The learned Government Advocate appearing for the respondents while conceding the claim of the petitioner, would submit that if any such direction is given by this Court, the same would be complied with and the representation of the petitioner would be disposed of in accordance with law.
- 5.Considering the facts and circumstances of the case and the submissions made on either side, without going into the merits of the case, the respondents are directed to consider and dispose of the representation dated 04.06.2019 made by the petitioner in accordance with law and on merits, within a period of twelve weeks from the date of receipt of a copy of this order.
- 6.With the above observation, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-IX)

//True copy//

Sub Assistant Registrar

To

- 1 The Director
Highways Research Station, Guindy,
Chennai 600 025
- 2 The Office of the Principal
Accountant General (Accounts and
entitlement) No. 361,
Anna salai, Chennai 600 002.

+1cc to Mr.T.Ramadevi, Advocate SR.No.91004

+1cc to Government Pleader SR.No.91535

W.P.No. 30944 of 2019

PP(CO)
GMY(02/12/2019)



WEB COPY