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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.04.2019

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)No.2689 of 2019

and

W.M.P(MD)Nos.2048 & 2049 of 2019

R.Muthammal

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The District Fire Officer,
Fire and Rescue Service,
Palayamkottai,
Tirunelveli District - 627 002.

3.The Sub-Treasury Officer,
Sub-Treasury, Kokkirakulam,
Palayamkottai Taluk,
Tirunelveli District - 627 009.

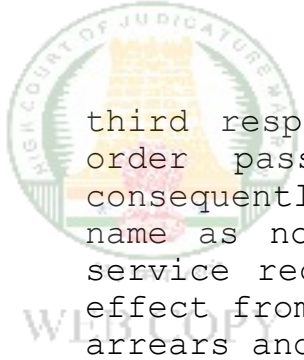
... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the third respondent in Na.Ka.No.360/A3/2018, dated 02.04.2018 and the consequential impugned order passed by the second respondent in Na.Ka.No.1646/Aa/2018, dated 23.04.2018 quash the same and consequently directing the respondents 1 to 3 herein to include the petitioner's name as nominee of her deceased husband namely K.Rajkumar in his service records and sanction family pension to the petitioner with effect from 20.06.2016 to till date and disburse the same along with arrears and continue to pay till the death of the petitioner.

For Petitioner : M/s.S.Bharathy Kannan

For Respondents : Mr.V.Anand,
Government Advocate.

ORDER



third respondent, dated 02.04.2018 and the consequential impugned order passed by the second respondent, dated 23.04.2018 and consequently, to direct the respondents to include the petitioner's name as nominee of her deceased husband namely K.Rajkumar in his service records and sanction family pension to the petitioner with effect from 20.06.2016 to till date and disburse the same along with arrears and continue to pay till the death of the petitioner.

2. Heard the learned counsel appearing for the petitioner and Mr.V.Anand, learned Government Advocate appearing for the respondents.

3. The case of the petitioner is that after the demise of her husband, she applied for pension before the respondents, who in turn, informed that her husband failed to mention her name as nominee in his Service Register. Hence, she filed S.O.P.No.2 of 2017 before the learned Principal District Munsif, Tirunelveli and obtained Succession Certificate in favour of her on 14.12.2017. Thereafter, the petitioner sent a representation to the respondents. On receipt of the same, the third and second respondents respectively, vide impugned orders, dated 02.04.2018 and 23.04.2018 refused to sanction family pension to the petitioner. Challenging the impugned orders, the petitioner has filed the present Writ Petition.

4. The learned Government Advocate appearing for the respondents submitted that for non-furnishing the required certificates as well as the Court's Order, the claim of the petitioner was not considered.

5. Today, the learned counsel appearing for the petitioner submitted that the petitioner is agreed to produce all the required certificates within the time fixed by this Court.

6. Considering the submissions made on either side, this Court, without going into the merits of the petitioner's claim, directs the petitioner to submit all the required certificates as well as the Court's order before the respondents within a period of two weeks from the date of receipt of a copy of this order. on such filing, the respondents are directed to consider the same and pass appropriate orders on merits and in accordance with law, after affording due opportunity of hearing to the petitioner, within a period of four weeks thereafter.



7. With the above direction, this Writ Petition stands disposed of. No costs. consequently, connected Miscellaneous Petitions are closed.

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Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar (CS)

ps

To

1. The District Collector,
Tirunelveli District,
Tirunelveli.
2. The District Fire Officer,
Fire and Rescue Service,
Palayamkottai,
Tirunelveli District - 627 002.
3. The Sub-Treasury Officer,
Sub-Treasury, Kokkirakulam,
Palayamkottai Taluk,
Tirunelveli District - 627 009.

1CC TO MR. S.BHARATHY KANNAN, ADVOCATE SR 58216
1CTO THE SPL GOVT PLEADER SR 58601

KK
2/04/2019
3P 6C

W.P (MD) No. 2689 of 2019

01.04.2019