



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.[MD]No.5199 of 2019

S.Rani @ Victoria Rani

: Petitioner

Vs.

1. The Accountant General (Accounts and Entitlement),
361, Anna Salai, Teynampet,
Chennai-600 018.

2. The Joint Commissioner/Executive Officer,
Arulmighu Dhandayuthapani Thirukkivil,
Palani, Dindigul District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, to pay the family pension to the petitioner on the basis of her representation dated 10.11.2018, within the time stipulated by this Court.

For Petitioner : Mr.C.Gangai Amaran

For Respondent No.1 : Mr.P.Gunasekaran

O R D E R

Seeking a Writ of Mandamus, directing the respondents to pay the family pension to the petitioner on the basis of her representation dated 10.11.2018, the petitioner has filed the present Writ Petition.

2. Mr.P.Gunasekaran, learned Standing Counsel, takes notice on behalf of the first respondent.

3. It is the case of the petitioner that she got married to one Subramanian and out of wedlock, they blessed with a male child. However, due to misunderstanding, her husband approached the Village Panchayat and got dissolution of marriage. After desertion, her husband married one Vijaya and got one male child. Due to ill health, he died on 08.09.2018 and on his death, the said Vijaya approached the Tahsildar, Palani, for issuance of legal heir certificate, suppressing his earlier marriage with the petitioner herein, in order to get compassionate appointment. The Tahsildar,



Palani, vide proceedings dated 26.10.2017, issued the legal heir certificate. On coming to know about the said fact, the petitioner made a representation to the Tahsildar, Palani and sought for cancellation of such certificate issued in favour of Vijaya. The Tahsildar, after due enquiry and opportunity to all the parties concerned, cancelled the legal heir certificate issued in favour of Vijaya, by his proceedings dated 14.03.2018, signed on 15.03.2018. Thus, explaining all the above facts, the petitioner made a representation on 10.11.2018 to the respondents seeking payment of family pension, but the same has not been considered so far. Hence, this Writ Petition.

4. Heard the learned Standing Counsel for the first respondent also, who would submit that the claim regarding legal heirship has already been met with by the Tahsildar, Palani, by proceedings dated 14.03.2018, at the instance of Vijaya (second wife).

5. Considering the facts and circumstances of the case and also in view of the proceedings of the Tahsildar, Palani, dated 14.03.2018, signed on 15.03.2018, the Writ Petition stands disposed of directing the respondents to pass orders on the representation of the petitioner dated 10.11.2018 on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order, after affording due opportunity to both parties. No costs.

Sd/-
Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar

To

The Accountant General (Accounts and Entitlement),
361, Anna Salai, Teynampet,
Chennai-600 018.

+1 CC to M/s.P.GUNASEKARAN, Advocate (SR-52203[F] dated 07/03/2019)
+1 CC to M/s.C.GANGAI AMARAN, Advocate (SR-52787[F] dated 08/03/2019)

SML

DS : 02/04/2019 : 2P/4C

Order made in
W.P.[MD]No.5199 of 2019
Dated: 06.03.2019