



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :25.02.2019

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

WP (MD) No.12367 of 2018

and

WMP (MD) No.13098 of 2018

Thanammal

... Petitioner

Vs.

1.The Principal Accountant General
(Accounts and Entitlements),
Tamil Nadu, 381, Annasalai,
Chennai - 600 018.

2.The Treasury Officer,
District Treasury Officer,
Nagercoil, Kanyakumari District.

3.The Commissioner,
Rajakkamangalam Panchayat Union,
Rajakkamangalam,
Kanyakumari District.

4.Gajalakshmi @ Saran Rose

... Respondents

[Respondent No.4 has been impleaded vide
order dated 25.02.2019 made in WMP(MD)
No.12742 of 2018]

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to issue a direction to the respondents herein to disburse 50% family pension arrears up to 03.06.2011 due to petitioner in PPO No.C220970 with 12% interest for the delayed payment based on the decree passed in S.O.P.No.6 of 2008 dated 21.06.2011 on the file of the learned Principal District Munsif Court, Nagercoil and based on the subsequent representation of the petitioner dated 19.03.2018.

For Petitioner

: Mr.K.Vamanan

For Respondent No.1

: Mr.P.Gunasekaran

For Respondent No.2

: Mrs.J.Padmavathy Devi,
Special Government Pleader



For Respondent No.3

: Mrs.S.Srimathy,
Special Government Pleader

For Respondent No.4

: Mr.C.Kishore

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ORDER

This writ petition has been filed, seeking to direct the respondents to disburse 50% family pension arrears, payable to the petitioner with 12% interest, based on the decree passed in S.O.P.No.6 of 2008 dated 21.06.2011 by the Principal District Munsif, Nagercoil and based on the subsequent representation of the petitioner dated 19.03.2018.

2.The learned Counsel for the petitioner would submit that based on the decree passed in SOP No.6 of 2008, dated 21.06.2011, by the Principal District Munsif, Nagercoil, the respondents had disbursed 50% of the family pension arrears to the 4th respondent herein, ie., the first wife of one Kasinathan, but the respondents have not disbursed the remaining 50% of the family pension arrears to the petitioner, who happens to be the second wife of the said Kasinathan. In this regard, the petitioner sent several representations to the respondents, which were not considered till date. Hence, the petitioner is before this Court.

3.Now, the learned Counsel for the petitioner agreed that in legality, the first wife, i.e., the 4th respondent is to be given the pensionary benefits. In such an event, the petitioner will have mutual understanding with the first wife.

4.The above statement made by the learned Counsel for the petitioner is recorded. Accordingly, the 3rd respondent is directed to forward the necessary proposal to the 1st respondent within a period of two weeks from the date of receipt of a copy of this order and the 1st respondent, on receipt of such a proposal shall, pass necessary orders, on merits and in accordance with law, within a period of four weeks therefrom.

5.With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

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To

1.The Principal Accountant General
(Accounts and Entitlements),
Tamil Nadu, 381, Annasalai,
Chennai - 600 018.

2.The Treasury Officer,
District Treasury Officer,
Nagercoil,
Kanyakumari District.

3.The Commissioner,
Rajakkamangalam Panchayat Union,
Rajakkamangalam,

+1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No.49946
+1 CC to M/s.C.KISHORE, Advocate in SR No.50317
+1 CC to M/s.K.VAMANAN, Advocate in SR No.50318
+1 CC to M/s.P.GUNASEKARAN, Advocate in SR No.50341

WP (MD) No.12367 of 2018

25.02.2019

dsk

PK/22.04.2019 : 3P/8C