



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:02.04.2019
CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)No.4164 of 2015

WEB COPY

C.Vadivammal

... Petitioner

vs.

1.The State of Tamil Nadu,
Represented by its Secretary,
Environment and Forest Department,
Fort St. George, Chennai.

2.The Accounts Officer,
Principal Accountant General
(Accountant & Entitlements),
Tamil Nadu, 381, Anna Salai,
Chennai - 600 010.

3.The District Forest Officer,
Kanyakumari Division, Nagercoil.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first and second respondents to pay family pension to the petitioner on account of the service rendered by the petitioner husband C. Chidambaraswamy in the department of 3rd respondent with all arrears from the date of death of the petitioner husband i.e. from the month of December 2004 till date as well as for future period by considering the petitioner representations dated 16.08.2014 within the stipulated time granted by this Court.

For Petitioner : Mr.M.P.Senthil

For Respondents : Mrs.S.Srimathy
Special Government Pleader
for R1 & R3

: Mr.P.Gunasekaran
for R2

ORDER

The Writ Petition is filed seeking a direction to the first and second respondents to pay family pension to the petitioner by considering her representation dated 16.08.2014 within the stipulated time as fixed by this Court.



2. Heard the learned Counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents 1 and 3 and the learned Counsel appearing for the second respondent and perused the materials available on record.

3. The case of the petitioner is that initially her husband C.Chidambaraswamy was working in the Indian Army and after his retirement, he was appointed as a driver in the third respondent office and he retired from service after attaining the age of the superannuation. Subsequently, he received pension till his demise. Thereafter, the second respondent did not pay family pension to the petitioner. Hence, she made a representation to the respondents seeking family pension. However the same has not been considered so far. Therefore, the petitioner has approached this Court by filing this writ petition.

4. The learned Counsel appearing for the petitioner submitted that a similar issue had already been decided by this Court in W.P. (MD)No.5673 of 2018, dated 21.02.2019 and he seeks appropriate direction to the respondents.

5. The learned Special Government pleader appearing for the respondents 1 and 3 and the learned Counsel appearing for the second respondent submitted that the representation of the petitioner would be considered by the respondents on merits as well as in the light of G.O.Ms.No.290, dated 05.04.2017 within a time frame as fixed by this Court.

6. In view of the above facts and circumstances of the case and having regard to the submissions of the learned Counsel on either side, without going into the merits of the case, the respondents are directed to consider the representation of the petitioner dated 16.08.2014 and pass appropriate orders on merits as well as in the light of G.O.Ms.No.290, dated 05.04.2017, after affording an opportunity of hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

7. The Writ Petition stands disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (AE)

/ True Copy /

Sub Assistant Registrar (CS)



To

1. The Secretary,
Environment and Forest Department,
Fort St. George,
Chennai.

2. The Accounts Officer,
Principal Accountant General
(Accountant & Entitlements),
Tamil Nadu,
381, Anna Salai,
Chennai - 600 010.

3. The District Forest Officer,
Kanyakumari Division,
Nagercoil.

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-58510[F] dated 03/04/2019)
+1 CC to M/s.SPL GP (SR-58611[F] dated 03/04/2019)
+1 CC to M/s.P.GUNASEKARAN, Advocate (SR-59052[F] dated 04/04/2019)

W.P (MD) No. 4164 of 2015
02.04.2019

ES/KK/02.05.2019/3P/7C