

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 17.07.2019****CORAM**

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THE HONOURABLE MR.JUSTICE D. KRISHNAKUMARW.P. (MD).No.15740 of 2019

Anbulakshmi @ Anburadha

.. Petitioner

Vs.

1.The Principal Accountant General,
O/o. the Principal Accountant General (A & E),
Tamil Nadu,
No.361, Anna Salai,
Chennai - 600 018.

2.The District Educational Officer,
Cheranmahadevi,
Cheranmahadevi Taluk,
Tirunelveli District.

..Respondents

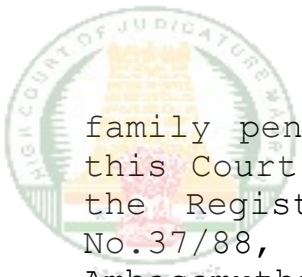
PRAYER: Writ petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the 1st respondent relating to his impugned order No.P25/3/12518250/ADK, dated 10.01.2019 and quash the same and direct the 1st respondent to grant family pension to the petitioner within the time to be fixed by this Court, dehors the Civil Court divorce decree, by relying upon the Registered customary deed dated 27.06.1988 vide Document No.37/88 on the file of the Sub Registrar, Kadaiyam, Ambasamuthram Taluk, Thirunelveli District and to grant such other or further relief.

For Petitioner : Mr.P. Senthur Pandian
For R1 : Mr.P. Gunasekaran
Standing Counsel

For R2 : Mrs. S. Srimathy
Special Government Pleader

O R D E R

<https://hcservices.ecourts.gov.in/hcservices/>
This Writ Petition has been filed to quash the impugned order passed by the 1st respondent in No.P25/3/12518250/ADK, dated 10.01.2019 and consequently, direct the 1st respondent to grant



family pension to the petitioner within the time to be fixed by this Court, de hors the Civil Court divorce decree, by relying upon the Registered customary deed, dated 27.06.1988 vide Document No.37/88, on the file of the Sub Registrar, Kadaiyam, Ambasamuthram Taluk, Thirunelveli District.

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2. Mr. P. Gunasekaran, learned Standing Counsel takes notice for the first respondent and Mrs.S. Srimathy, learned Special Government Pleader takes notice for the 2nd respondent. By consent, this Writ Petition is taken up for disposal at the admission stage itself.

3. The petitioner has made an application to the respondents, to grant family pension to her, but, the said application was returned for the reason that the divorce decree obtained from the Civil Court has not been forwarded to the first respondent's office. On receipt of the said communication, the petitioner has sent a reply dated 17.06.2019, but, so far, no order has been passed. Hence, the petitioner has filed the present Writ Petition for the aforesaid relief.

4. The learned Standing Counsel appearing for the first respondent submitted that the first respondent has rightly returned the said application to furnish the said copy of the Decree obtained in the Civil Court and if the petitioner is complied with the said condition, the 1st respondent will consider the claim of the petitioner on merits and in accordance with law.

5. In view of the said submission made by the learned Standing Counsel appearing for the first respondent, the learned counsel appearing for the petitioner restricted the relief sought for by the petitioner and requested to consider the petitioner's representation, dated 17.06.2019 and to pass appropriate orders within the time fixed by this Court.

6. Having regard to the limited scope of the prayer and also considering the submissions made by the learned counsel on either side, this Court, without expressing any opinion on the merits of the petitioner's case, directs the first respondent to consider the representation of the petitioner, dated 17.06.2019, and pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. Needless to say that the petitioner shall forward a copy of the representation and the Civil Court Decree along with a copy of this order to the respondents, to enable him to comply with the directions of this Court.



7. With the above direction, the writ petition is disposed of. No costs.

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Sd/-

Assistant Registrar (AE)

// True Copy //

Sub Assistant Registrar (CS)

To

1.The Principal Accountant General,
O/o. the Principal Accountant General (A & E),
Tamil Nadu,
No.361, Anna Salai,
Chennai - 600 018.

2.The District Educational Officer,
Cheranmahadevi,
Cheranmahadevi Taluk,
Tirunelveli District.

+1 CC to Special Government Pleader (SR-76034[F] dated 18/07/2019)

+1 CC to M/s.P.SENTHUR PANDIAN, Advocate (SR-76136[F] dated 18/07/2019)

+1 CC to M/s.P.GUNASEKARAN, Advocate (SR-76159[F] dated 18/07/2019)

W.P.(MD).No.15740 of 2019
17.07.2019

trp

AE/ (05.08.2019) 3P 6C