



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.08.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P(MD)No.17897 of 2019

P. Panchavarnam

... Petitioner

Vs.

1.The Principal Accountant General (A & E),
Office of the Principal Accountant General (A & E),
361, Anna Salai,
Chennai - 18.

2.The Director of Backward Classes Welfare,
Office of the Backward Classes Welfare Department,
Ezhilagam Annexe Building II Floor,
Chepauk,
Chennai - 600 005.

3.The District Backward Classes and Minority Welfare Officer,
Office of the District Backward Classes
and Minority Welfare Department,
Virudhunagar Town and District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to sanction the family pension to the petitioner herein from the date of death of her husband i.e., on 15.05.2010 onwards as per Rule 49 of the Tamil Nadu Pension Rules and to pay the arrears along with interest at the rate of 12% per annum for the belated payment of family pension.

For Petitioner: Mr.M. Thirunavukkarasu

For R1 : Mr.P.Gunasekaran

Standing Counsel

For R2 and R3 : Mr. M. Pandiarajan

Additional Government Pleader

ORDER

This writ petition has been filed for issuing a direction to the respondents to sanction the family pension to the petitioner herein from the date of death of her husband i.e., on 15.05.2010



onwards, as per Rule 49 of the Tamil Nadu Pension Rules and to pay the arrears along with interest at the rate of 12% per annum for the belated payment of family pension.

2. The learned counsel appearing for the petitioner submitted that the petitioner's husband died in harness during the course of his employment on 15.05.2010, with service of 22 years in the 3rd respondent / Department. He further submitted that the petitioner's pension proposal has been duly forwarded by the 3rd respondent to the first respondent and the same has been received by the first respondent. Thereafter, the first respondent sent a communication dated 20.06.2011 to the petitioner, wherein it is stated that the first respondent has assigned the pension proposal in application No.11301375 for the family pension. Therefore, the petitioner has made a representation dated 20.07.2019, but, the same has not been considered by the respondents so far.

3. The learned Standing Counsel appearing for the first respondent would submit that the representation of the petitioner will be considered by the 1st respondent within a specified time that may be stipulated by this Court.

4. Considering the submissions made by the learned counsel appearing 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 20.07.2019, and pass appropriate orders on merits and in accordance with law, within a period of four 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 addressed to the first respondent along with a copy of this order, to enable him to comply with directions passed by this Court.

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

Sd/-

Assistant Registrar

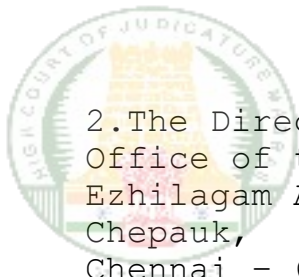
// True Copy //

Sub Assistant Registrar

To

1.The Principal Accountant General (A & E),
Office of the Principal Accountant General (A & E),
361, Anna Salai,
Chennai - 18.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Director of Backward Classes Welfare,
Office of the Backward Classes Welfare Department,
Ezhilagam Annexe Building II Floor,
Chepauk,
Chennai - 600 005.

3.The District Backward Classes and Minority Welfare Officer,
Office of the District Backward Classes
and Minority Welfare Department,
Virudhunagar Town and District.

+1 CC to M/s.P.GUNA SEKARAN,Advocate (SR-82802[F] dated 21/08/2019)

+1 CC to M/s.M. THIRUNAVAKKARASU, Advocate SR-82900[F]dated
22/08/2019)

+1 CC to M/s.SPL GP (SR-83233[F] dated 22/08/2019)

W.P (MD) No.17897 of 2019
21.08.2019

trp
MS/09.09.2019/3P.7C