



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.20764 of 2019

Gomathiammal

...Petitioner

Vs

1.The Chief Accountant General (A&E)
261, Anna Salai
Chennai 600 018

2.The District Collector
Office of the District Collector
Tirunelveli, Tirunelveli District

3.The Treasury Officer
District Treasury
Tirunelveli, Tirunelveli District

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to consider the petitioner's representation, dated 19.07.2019 and consequently, direct the respondent to issue the family pension to the petitioner within the time stipulated by this Court.

For Petitioner : Mr.R.Senthilkumar

For R1 : Mr.P.Gunasekaran

For R2 : Mr.V.R.Shanmuganathan
Special Government Pleader

ORDER

This Writ petition has been filed for a direction to the respondents to consider the petitioner's representation, dated 19.07.2019 and consequently, direct the respondent to issue the family pension to the petitioner, within the time stipulated by this Court.

2.According to the petitioner, she got married one Pandian on 10.09.1975 and he was working in the Highways Department. The petitioner's husband expired on 03.08.1984. After death of her husband, she got remarried with one Sornaganapathy on 04.07.1987. In this circumstance, the first husband's pension was given to the petitioner's daughter, namely, Deepa through the petitioner. The petitioner was actual guardian of her minor daughter. After marriage



of her daughter, the pension amount given to her daughter was stopped. The grievance of the petitioner is that her second husband is a patient and has deserted her. Due to that, he is not in a position to take care of the petitioner. In this circumstance, the petitioner made a representation, dated 19.07.2019, requested the respondents to issue her first husband's pension to meet out the day-to-day food expenses and medical expenses. But, the respondents have not taken any steps so far. Hence, the petitioner has come out with the present writ petition.

3.Heard Mr.R.Senthil Kumar, learned counsel appearing for the petitioner, Mr.P.Gunasekaran, learned counsel appearing for the first respondent and Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the second respondent.

4.From the materials on record, it is seen that after death of the petitioner's first husband, the petitioner got remarried. Hence, the pension amount was given to her daughter and after marriage of her daughter, it was stopped. As per Rule 49(6) of the Tamil Nadu Pension Rules, 1978, the widow is not entitled for pension after remarriage.

5.In view of the above, the petitioner is not entitled for the relief sought for in the Writ petition. Accordingly, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar(CS)

msa

To

The District Collector
Office of the District Collector
Tirunelveli District

+1CC TO MR.P.GUNASEKARAN, Advocate Sr. No.90289
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 90527

W.P. (MD) No.20764 of 2019
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CS (CO)
TR(23.10.2019) 2P 4C