



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.07.2019

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.6680 of 2014

and

M.P. (MD) No.1 of 2014

R.Seethapathi

... Petitioner

-Vs-

1.The Principal Accountant General (A and E)
Office of the Accountant General (A and E),
Chennai 600 018.

2.The District Collector,
Tirunelveli, Tirunelveli District. ... Respondents

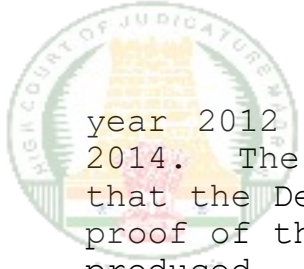
Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed by the 2nd respondent in Na.Ka.No.7555/2013/Ka2, dated 26.08.2013 pending on the file of the 2nd respondent and to quash the same and to direct the respondents to pay the family pension of Late.Ramanathan to the petitioner within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.T.Raja
For Respondents : Mr.P.Gunasekaran (for R-1)
Mr.D.Muruganandham
Additional Government Pleader
(for R-2)

ORDER

The order of rejection, rejecting the claim of the writ petitioner for grant of family pension in proceeding, dated 26.08.2013, is under challenge in the present writ petition.

2.The writ petitioner states that she is aged about 78 years and destitute old aged women. The husband of the writ petitioner Late.B. Ramanathan was employed as Assistant Collector in the District Collector's Office, Tirunelveli District and he retired on 31.08.1997. The petitioner states that the elder sister of the writ petitioner married her husband, as a first wife and children were also born. It is contended that subsequently, the deceased employee married the writ petitioner as second wife. Even the date of birth of the writ petitioner is not co-relating with the date of marriage as stated in the writ petition. The writ petitioner claims that she married her husband as second wife at the age of 13 years based on such an improbable situation, the family pension is sought for, after a lapse of many years from the date of death of the deceased employee. The husband of the writ petitioner was died during the



year 2012 and thereafter, the writ petition is filed in the year 2014. The claim of the writ petitioner was rejected on the ground that the Death Certificate of the first wife as well as the marriage proof of the writ petitioner with the deceased pensioner ought to be produced. The writ petitioner instead of producing the required certificates, approached this Court of law. This Court is of the opinion that for grant of family pension, the competent authorities are bound to ask the applicant to produce the relevant documents for considering her case. In the absence of valid documents, the benefit of family pension cannot be granted as per the rules in force. The order impugned states that the writ petitioner has to enclose the Death Certificate of the first wife as well as the marriage proof. However, the writ petitioner instead of submitting those documents to the competent authorities, filed the present writ petition for a direction to grant family pension. In the absence of examination of all those documents, the Court cannot directly issue a direction to grant family pension. Family pension is to be granted in accordance with the rules in force and therefore, the writ petitioner is at liberty to submit all the relevant documents sought for by the competent authorities for the purpose of considering her case for grant of family pension. There is no infirmity in the order impugned and the order impugned is nothing but a direction issued to the writ petitioner to produce the Death Certificate and the same would not provide any cause of action for filing the present writ petition. This being the factum, the writ petitioner is bound to submit all the relevant documents to the authorities concerned and in the event of submitting all such documents, the authorities are empowered to consider the same in accordance with the pension rules in force.

3. With these observations, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar (CS)

To
The District Collector,
Tirunelveli, Tirunelveli District.

+1 CC to Mr.P.GUNASEKARAN, Advocate (SR-77000[F] dated 23/07/2019)
+1 CC to SPL GP (SR-77263[F] dated 24/07/2019)

W.P. (MD) .No.6680 of 2014
23.07.2019