



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.23386 of 2019

and

W.M.P.(MD) Nos.20038 and 20039 of 2019

WEB COPY

P.Janakiammal

... Petitioner

vs.

1.The Government of Tamil Nadu,
Rep. by its Principal Secretary,
School Education Department,
Fort St. George,
Chennai-600 009.

2.The Director of Public Libraries,
No.737/1, Anna Salai,
Chennai-600 002.

3.The District Library Officer,
Theni.

4.The Principal Accountant General,
(Accounts and Entitlements)
No.361, Anna Salai,
Teynampet, Chennai-600 018.

5.Thirugnanam @ Manikandan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the fourth respondent in PPO.No.F2908188, dated 03.10.2019 and quash the same and direct the respondents 1 to 4 to disburse the family pension to the petitioner and to disburse the 50% of the terminal benefits of the deceased Velankanni to the petitioner within the time frame fixed by this Court.



For Petitioner : Mr.M.Saravanan

For Respondents : Mr.M.Jeyakumar
Additional Government Pleader
(for R1 to R3)

Mr.P.Gunasekaran (for R4)

Mr.P.Thiyagarajan (for R5)

O R D E R

While the petitioner is the mother of the deceased employee, namely, Velankanni, the fifth respondent herein is her husband. During her lifetime, the deceased employee is said to have executed a registered Will bequeathing her terminal benefits and other savings in favour of the petitioner herein. When the petitioner had filed an application seeking for Succession Certificate, there was objection from the fifth respondent. Subsequently, both the petitioner and the fifth respondent seems to have entered into a joint compromise memo before the National Lok Adalat through a deed of joint compromise, dated 09.12.2017, wherein, both the petitioner as well as the fifth respondent herein had agreed to share the terminal benefits of deceased Velankanni, as per the terms of the joint compromise memo.

2.The learned counsel for the second respondent would submit that under Rule 49 of Tamil Nadu Pension Rules, the fifth respondent would be entitled for the family pension and any other monetary benefits due to the legal heirs of the deceased employee.

3.The learned counsel for the petitioner would submit that a portion of the DCRG is yet to be settled and the fifth respondent also ratifies the same.

4.As per Rule 49 of the Pension Rules, it would be appropriate to direct the second respondent herein to extend the family pension in favour of the fifth respondent herein. However, in view of the joint compromise memo filed before this Court, dated 15.12.2019 arrived between the petitioner as well as the fifth respondent herein, it is made clear that both the parties shall be bound by the terms of the joint compromise memo arrived between them and all the monetary benefits shall be shared as per the terms of the joint compromise memo.



5. Accordingly, this Writ Petition stands closed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

1. The Principal Secretary,
School Education Department,
Fort St. George,
Chennai-600 009.

2. The Director of Public Libraries,
No.737/1, Anna Salai,
Chennai-600 002.

3. The District Library Officer,
Theni.

+1 CC to M/s.P.THIYAGARAJAN, Advocate (SR-105280[F] 17/12/2019)
+1 CC to M/s.R.SUBRAMANIAN, Advocate (SR-105258[F] 17/12/2019)
+1 CC to M/s.P.GUNASEKARAN, Advocate (SR-105667[F] 18/12/2019)
+1 CC to M/s.SPL.GP (SR-105567 & 105569[F] 18/12/2019)

W.P. (MD) No.23386 of 2019
16.12.2019

sjj

SDS (07.01.2020) 3P-8C