

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE :10.09.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO. 19861 OF 2013
and
M.P.No.1 of 2013

T.M.Vasanth

.. Petitioner

- Vs -

1.The Director,
Local Fund Audit,
Kuralagam, Chennai 108.

2.The Assistant Commissioner,
Coimbatore Corporation North Zone,
Coimbatore.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Mandamus, directing the 1st Respondent herein to disburse the family pension to the petitioner herein as per the PPO No.15144 T (Special Village Panchayat) issued by the 1st respondent by taking into account G.O Ms.no.478 Finance (Pension) Department dated 4.6.1987 by getting necessary indemnity bond from the petitioner.

For Petitioner : M/S.V.Vijay Shankar

For Respondents: Mr.S.Thangavel, Spl.G.P. For R1
: M/S.K.Natarajan for R2

ORDER

The writ petition has been filed by the petitioner to direct the 1st Respondent herein to disburse the family pension to the petitioner herein as per the PPO No.15144 T (Special Village Panchayat) issued by the 1st respondent by taking into account G.O Ms. No.478 Finance (Pension) Department dated 4.6.1987 by getting necessary indemnity bond from the petitioner.

2.The case of the petitioner is that the petitioner's husband was working as a sanitary worker in the Thudiyalur Town Panchayat and retired on 31.07.2007 after attaining the age of superannuation. Immediately after the retirement, he got

pensionary benefits. However it is stated that the petitioner's husband was found missing from 12.10.2011 onwards. Thereafter as per Evidence Act, after lapse of 7 years, since the petitioner's husband whereabouts were not traceable, the petitioner filed a complaint before the law enforcing agency, and the law enforcing agency issued a Non Traceable certificate. The said certificate along with the other particulars were submitted by the petitioner to the respondents; however the respondents not sanctioned the family pension to the petitioner. Hence left with no other alternative the petitioner has filed this petition with the above said prayer.

3.Learned counsel appearing for the petitioner submitted that in view of the counter affidavit filed by the respondents, particularly paragraph no.4, this Court may permit the petitioner to submit all necessary documents in terms of G.O.Ms.NO.574 dated 3.9.1996 and direction may be issued to the respondents to disburse the family pension as per G.O.Ms.NO.574 and as per Rule 49 A of the Tamil Nadu Pension Rules.

4.On the above contention, this Court heard learned Special Government Pleader appearing for the 1st respondent and learned counsel appearing for 2nd respondent, who have no objection to the limited relief being sought for.

5.In view of the limited relief sought for, without going into the merits of the issue, this Court directs the petitioner to place all the documents in support of her claim along with a copy of the representation to the respondents within a period of three weeks from the date of receipt of a copy of this order and on receipt of the representation along with the documents, the 1st respondent is directed to consider the representation made by the petitioner in the light of G.O.Ms.NO.574 and Rule 49-A of the Tamil Nadu Pension Rules and pass orders thereon within a period of four weeks thereafter and settle the benefits to the petitioner to which she is entitled to in accordance with law.

6.With the above direction, this writ petition is disposed off. Consequently connected miscellaneous petition is closed. However there shall be no order as to costs.

Sd/-

Assistant Registrar

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Sub Assistant Registrar

jrs

To

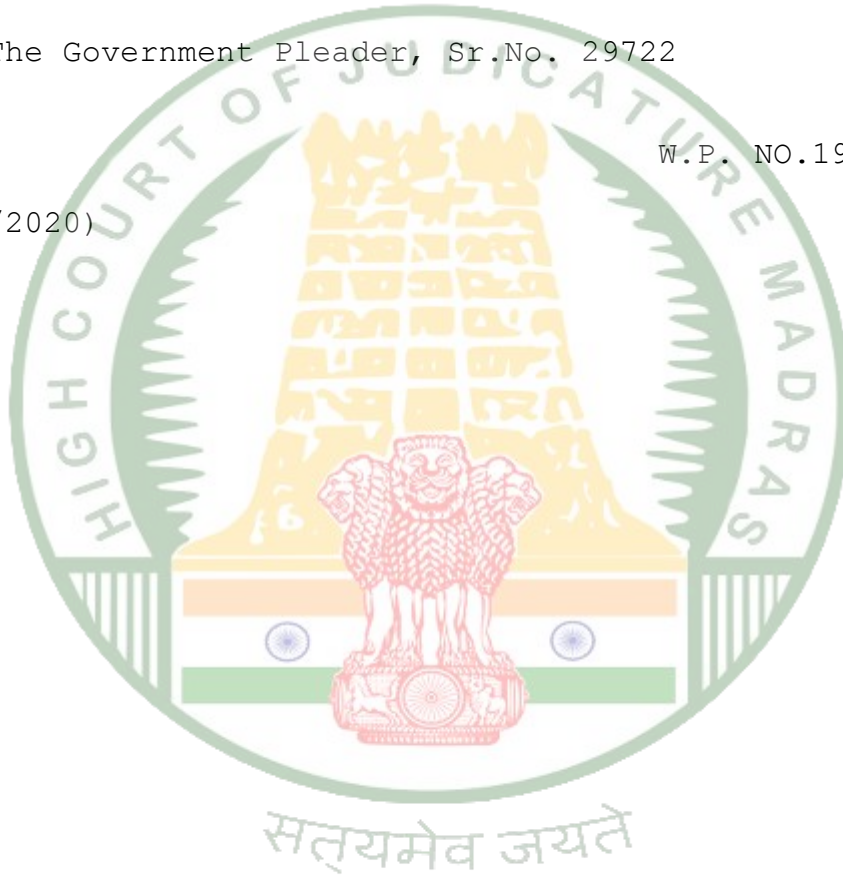
1.The Director,
Local Fund Audit,
Kuralagam, Chennai 108.

2.The Assistant Commissioner,
Coimbatore Corporation North Zone,
Coimbatore.

+1 cc to The Government Pleader, Sr.No. 29722

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VSNII (CO)
RMP (16/10/2020)



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