

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2020

CORAM

THE HON'BLE MR.JUSTICE D. KRISHNAKUMAR

W.P.No. 25345 of 2013

Esther Manoranjitham

..Petitioner

Vs

1. The District Educational Officer,
Kancheepuram.

2.The Chief Educational Officer,
Kancheepuram.

3.The Head Master,
Govt. Higher Secondary School,
Ponneri.

4.T.Willington

5. T.Gnanaprakasam
(R4 &R5 are impleaded as per order
of this Court dated 24.11.2016)

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents herein to pay the family pension of the petitioner's husband who died on 14.05.1996 to the petitioner.

For Petitioner : M/s.V.Bhiman

For Respondents : Mrs.P.Kavitha, GA - For R1 to R3
Mr.M.Udaya Bhanu - R4 & R5

O R D E R

The prayer sought for in the Writ Petition is to direct the respondents herein to pay the family pension of the petitioner's husband who died on 14.05.1996 to the petitioner.

2. Brief facts of the case is as follows;

The petitioner is the wife of Late Thangaraj, who was working as Carpenter in the Government Higher Secondary School, Ponneri and retired on superannuation and died on 14.05.1996. The deceased Thangaraj nominated the petitioner for the purpose of getting family pension which is very much clear from the pension payment order. The only objector Tmt.Kamala who was working as a mid wife in the hospital attached to the Kalpakam Research Centre had also expired. Therefore, the petitioner is entitled to get the family pension of his husband from the date of his death. The petitioner has made representation to the respondents on 13.07.2013 requesting to disburse the family pension of her husband Late.Thangaraj. However, no orders have been passed till date, hence this writ petition.

3. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents 1 to 3 and the learned counsel appearing for the respondents 4 & 5 and perused the documents available on record.

4.The learned counsel for the petitioner submitted that as per the nomination, the writ petitioner alone is entitled for family pension of the deceased Thangaraj. In spite of relevant documents submitted to the respondents, the 1st respondent has not passed any orders for granting family pension in her favour.

5. The learned Government Advocate appearing for the respondents 1 to 3 has submitted that no final decision has been taken on the representation of the petitioner and further submitted that if the petitioner submits all the relevant documents, the same shall be considered and pass orders as per Rules, within a reasonable time as fixed by this Court.

6. Having regard to the submissions made by the learned counsel on either side and taking into consideration the limited prayer sought for in the Writ Petition, without expressing any opinion with regard to the merits of the case, I direct the 1st respondent to consider the petitioner's representation dated 13.07.2013 and pass appropriate orders on merits, in accordance with law, after providing opportunities to the respondents 4 & 5 also to any interested parties as expeditiously as possible, within a period of twelve (12) weeks from the date of receipt of

a copy of this order.

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

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

1.The District Educational Officer,
Kancheepuram.

2.The Chief Educational Officer,
Kancheepuram.

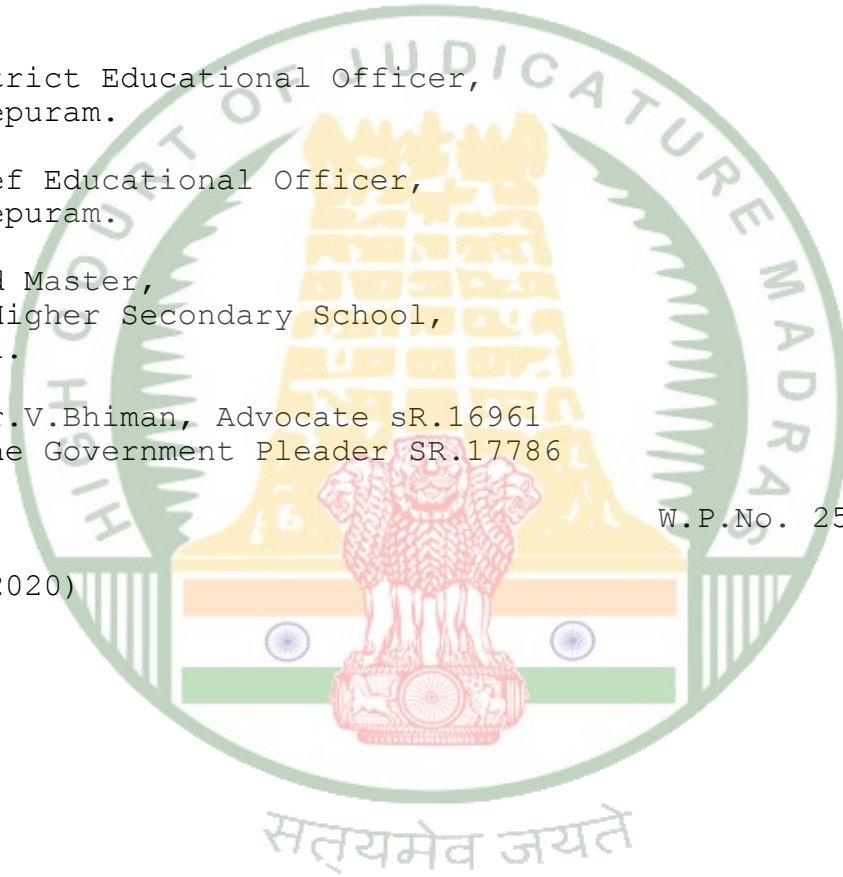
3.The Head Master,
Govt. Higher Secondary School,
Ponneri.

+1cc to Mr.V.Bhiman, Advocate sR.16961

+1cc to the Government Pleader SR.17786

W.P.No. 25345 of 2013

AD(CO)
CB(04/03/2020)



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