

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 27.08.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.26306 OF 2013

AND

M.P.NO.1 OF 2013

Amutha (deceased)  
Poongavanam

...Petitioner/Legal representative  
of the deceased petitioner.

- Vs -

- 1.Principal Accountant General  
(Accounts and Entitlement)  
Tamilnadu, 361, Anna Salai, Chennai-18.
- 2.Government Veterinary  
Hospital, rep by Surgeon,  
Devanur Gingee Taluk,  
Villupuram District 604 208.
- 3.The Administrator General  
of Tamilnadu, Chennai 104.
- 4.Thondaiman Kumaran
- 5.Rajakrishna Devarayar
- 6.Suguna Gayatri Devi
- 7.Komala  
(R4 to R7-suomotu impleaded as per  
order dt.23/09/2013)

.. Respondents

Prayer:-

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorarified Mandamus, calling for the records relating to the order No. Pen 13/II/PT 4932/C 79529/11-12 dated 30.1.2012 passed by the 1<sup>st</sup> respondent and quash the same and direct the 1<sup>st</sup> and 2<sup>nd</sup> respondent to grant family pension to the petitioner.

For Petitioner : Mr.Jai Bharath for  
M/S.Giridhar and Sai

For Respondents: M/S.T.Selvarani for R1  
: Mr.A.N.Thambidurai,  
Spl.G.P. For RR2 &3  
: Mr.E.Kannadasan for RR4 to 7

#### ORDER

It is the case of the petitioner that she is the second wife of the deceased V.Kadikachalam, who was working as Veterinary Surgeon in Government Veterinary Hospital, Villupuram (Dt). The petitioner's husband died in harness due to heart attack on 12.11.2002. The marriage between the petitioner and the said Kadikachalam was solemnized on 10.4.1998 and at the time of marriage that said Kadikachalam had 4 children who were born out of the wedlock with his 1<sup>st</sup> wife, viz., Rajeswari who died on 17.6.1997. Subsequent to the death of Kadikachalam, the petitioner applied for family pension and her husband nominated her and his two sons to receive the family pension benefits. Therefore the petitioner approached the 1<sup>st</sup> respondent for payment of pension and to consider the Succession Certificate issued by the 3<sup>rd</sup> respondent authorising Family Pension to her. However the 1<sup>st</sup> respondent rejected the petitioner's request and directed her to produce the civil court order declaring the petitioner as the legitimate wife of Late K.Kadikachalam, against which the present writ petition has been filed.

2.Heard both sides and perused the materials available on record.

3.The facts in the present case is not disputed. Admittedly the petitioner is the 2<sup>nd</sup> wife of the deceased K.Kadikachalam, who passed away in the year 2002. The name of the petitioner also finds place in the service register. Over and above that, the petitioner has produced the Succession Certificate issued by the Administrator General under section 29 of the Administrator General Act. However, the respondents have not accepted the said certificate, but asked her to produce a decree from the civil court. This Court is at a loss to understand as to what prompted the 1<sup>st</sup> respondent to seek a decree from the civil court when the service register reveals her name as the nominee to receive the benefits due to the petitioner. Further, it is to be pointed out that as against the succession certificate issued by the Administrator General, no appeal has been preferred. In such a backdrop, the 1<sup>st</sup> respondent was not right in asking the petitioner to obtain a decree from the civil court. In fact, the above documentary evidence are suffice to

grant the benefits to which the petitioner is due on the death of her husband. The impugned order of the 1<sup>st</sup> respondent is wholly unsustainable and deserves to be interfered with. The order passed by the 1<sup>st</sup> respondent is liable to be set aside.

4. Accordingly, the impugned order passed by the 1<sup>st</sup> respondent is set aside and the 1<sup>st</sup> respondent is directed to put respondents 4 to 7 on notice and after affording an opportunity of hearing to both the petitioner and respondents 4 to 7 as ascertain as to the finality of the order passed by the Administrator General, the 1<sup>st</sup> respondent is directed to pass appropriate orders disbursing the benefits in favour of the petitioner and other persons, if any, who are eligible to the pensionary benefits of Late Kadikachalam, in accordance with law on the basis of their respective eligibility.

5. With the above direction this petition stands disposed off. Consequently connected miscellaneous petition is closed. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

jrs

To

1. Principal Accountant General  
(Accounts and Entitlement)  
Tamilnadu, 361, Anna Salai, Chennai-18.
2. Government Veterinary Hospital, rep by Surgeon,  
Devanur Gingee Taluk,  
Villupuram District 604 208.
3. The Administrator General  
of Tamilnadu, Chennai 104.

+1cc to M/S.Giridhar and Sai, Advocate, S.R.No.28293

+1cc to the Government Pleader, S.R.No.28162

W.P.NO.26306 OF 2013

RSV(CO)  
CS/01/12/2020