

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.31035 of 2013

D.Kamatchiammal

... Petitioner

Vs.

1.The Director of School Education,  
College Road,  
Chennai - 600 006.

2.The Head Master,  
Maraimalai Adigal Govt. Higher Secondary School,  
Pallavaram,  
Chennai - 43.

3.Mrs.Kuttiammal

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 and 2 to sanction family pension and other benefits to the petitioner due to the death of late N.Durai raj by passing orders on the representation dated 06.08.2013.

For Petitioner : Mr.Perumalswamy  
for M/s.G.Justin

For Respondents: Mr.S.Suresh Kumar for R1 and R2  
Government Advocate  
No Appearance for R3

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O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents 1 and 2 to sanction family pension and other benefits to the petitioner due to the death of late.N.Durai Raj by passing orders on the representation dated 06.08.2013.

2.The case of the petitioner is that the petitioner is the legally wedded wife of late.N.Durai Raj who was working as record clerk under the second respondent School. Since

the petitioner's husband deserted her, she filed Maintenance Case O.S.No.2532 of 1997 before the Judicial Magistrate cum District Munsiff Court, Alandur and maintenance of Rs.500/- per month was ordered by the said Court

3.It is the further case of the petitioner that the petitioner's husband married the third respondent as second wife and her name was nominated in the service records. Therefore, in order to prove her marriage, the petitioner filed a suit in O.S.No.47 of 2012 for declaration that the petitioner is the legally wedded wife of late.N.Durai Raj; for dispersal of family pension and other benefits to the petitioner, before the Principal Family Court at Chennai and the said suit was decreed in favour of the petitioner on 25.07.2013. Thereafter, the petitioner made representation dated 06.08.2013 to the respondents 1 and 2 claiming the benefits and family pension, however, the said representation was not considered. Hence, this writ petition.

4.The learned counsel appearing for the petitioner would submit that the suit in O.S.No.47 of 2012 filed by the petitioner for declaration that the petitioner is the legally wedded wife of late.N.Durai Raj; for dispersal of family pension and other benefits to the petitioner, before the Principal Family Court at Chennai, was decreed in favour of the petitioner on 25.07.2013. Hence, this Court may issue direction to the respondents 1 and 2 to sanction family pension and other benefits to the petitioner.

5.Heard the arguments advanced by the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents 1 and 2. Though notice was served on the third respondent and a counsel had entered appearance, today, there is no representation for the third respondent. सत्यमेव जयते

6.The learned Government Advocate fairly conceded that the benefits have not yet been paid to the petitioner. However, he submitted that in compliance of the Family Court decree, proposal was sent to the Office of the Accountant General for payment of family pension to the petitioner during the year 2016.

7.In view of the above, since the decree passed by the Principal Family Court, Chennai, in O.S.No.47 of 2012 on 25.07.2013 became final, the Official respondents are directed to settle the arrears of family pension and other benefits, if there is no legal impediment, in favour of the petitioner, within a period of four weeks from the date of

receipt of a copy of this order and the Official respondents are further directed to pay the monthly family pension to the petitioner.

8.The writ petition is allowed. No costs.

Sd/-  
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Director of School Education,  
College Road,  
Chennai - 600 006.
- 2.The Head Master,  
Maraimalai Adigal Govt. Higher Secondary School,  
Pallavaram,  
Chennai - 43.
- 3.The Principal Family Court,  
Chennai.

+1cc to the Government Pleader, S.R.No.26580

W.P.No.31035 of 2013

PD(CO)  
CB(26/08/2020)

सत्यमेव जयते

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