



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.8742 of 2020

Dhanalakshmi

... Petitioner

Vs.

1) The Director of Pension,
Office of the Principal Accountant,
General (A&E), Teynampet,
Chennai 600 006

2) The Assistant Treasury Officer,
Office of the Assistant Treasury,
Srivilliputtur,
Virudhunagar District.

... Respondents

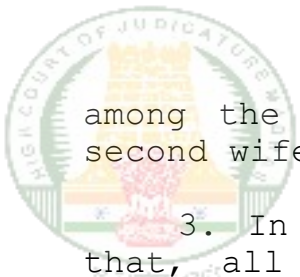
PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd respondent herein to consider and dispose the representation dated 03.03.2016 within the stipulated period.

For Petitioner	: Mr.M.Jothibas
For R-1	: Mr.P.Gunasekaran
For R-2	: Mr.M.Karuppasamy, Government Advocate

O R D E R

The prayer sought for in this writ petition is for a Writ of Mandamus, directing the 2nd respondent herein to consider and dispose the representation dated 03.03.2016 within the stipulated period.

2. The case of the petitioner is that, the petitioner's father one Sadacharam was working as Headmaster at Kuppanapuram Panchayat Union Government School and retired from service on 31.03.1998. After retirement, he was receiving the pension. While so, he died on 19.03.2012. In this regard, it is the case of the petitioner that, the petitioner's father (i.e.) the deceased, was a retired employee having two wives. It is further stated that the first wife got one child and the second wife got three children. The petitioner is one



among the three children born to the deceased employee and his second wife.

3. In this context, it is the further case of the petitioner that, all other legal representatives (i.e) the other children, other than the petitioner, are financially viable and they are not depending on the Family Pension of the deceased employee. Since the petitioner is a widow, she is alone struggling to meet both the ends and therefore, she will be entitled to get the family pension payable to the father of the petitioner, he contended.

4. In this regard, it is the further case of the petitioner that, on 03.12.2015, the petitioner has given a representation with necessary documents and again on 03.03.2016, he has given one more representation with documents to the respondents, especially the second respondent. However, since the said representations have not been considered, the petitioner is before this Court.

5. Heard Mr.M.Jothibas, learned counsel appearing for the petitioner, Mr.P.Gunasekaran learned counsel appearing for the first respondent and Mr.M.Karuppasamy, learned Government Advocate appearing for the second respondent.

6. The learned counsel appearing for the respondents would submit that, since the representations of the petitioner are said to have been given some time in the year 2015 and 2016, the office of the respondents would not trace those representations, as the acknowledgment also to that effect has not been filed in the typed set. Therefore, if at all the said representations have to be considered on merits by the second respondent, a copy of the same can once again be submitted and accordingly, that will be considered on merits.

7. Considering the said submission made by the learned counsel appearing for both sides, and by taking into account the aforesaid factual matrix of the case, this Court is inclined to dispose of the writ petition with the following order:

"that the petitioner shall give a copy of the representations dated 3.12.2015 and 03.03.2016 to the second respondent once again along with a copy of this order and on receipt of the same, the second respondent shall consider the said representation along with supporting documents to be filed by the petitioner and after giving an opportunity of being heard to both the petitioner as well as other children of the deceased employee and thereafter, pass necessary orders as to the eligibility of the petitioner or otherwise to get the family pension on behalf of the deceased father of the petitioner.



The needful as indicated above can be made within a period of three months from the date of receipt of a copy of this order."

8. With these observations and directions, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Deputy Registrar (A/C)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

- 1) The Director of Pension,
Office of the Principal Accountant,
General (A&E), Teynampet,
Chennai 600 006
- 2) The Assistant Treasury Officer,
Office of the Assistant Treasury,
Srivilliputtur,
Virudhunagar District.

Order made in
W.P. (MD)No.8742 of 2020

Dated:

05.08.2020

CS(02.09.2020) 3P 3C