



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 04.03.2020
CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

WEB COPY

W.P. (MD)No.20796 of 2014

T.Rasammal ... Petitioner

Vs.

1.The District Collector,
Trichy District.

2.The Tahsildar,
Srirangam Taluk Office,
Trichy District.

3.T.Satheeshwaran

4.T.Maheswari ... Respondents

(R3 & R4 are suo motu impleaded vide
order dated 17.02.2020 in
W.P(MD)No.20796 of 2014)

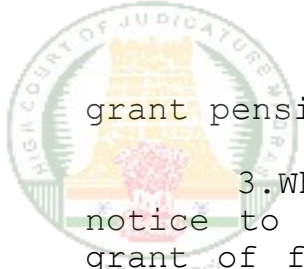
PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 1 and 2 to grant the family pension to the petitioner and also other death benefits on the death of her husband Thangaraj, as per the representation given by the petitioner dated 10.11.2014 within the time stipulated by this Court.

For Petitioner	: Mr.B.Jameel Arasu
For RR 1 & 2	: Mr.J.Gunaseelan Muthiah, Additional Government Pleader.

ORDER

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus, directing the respondents 1 and 2 to grant the family pension to the petitioner and also other death benefits on the death of her husband-Thangaraj, as per the representation given by her dated 10.11.2014 within the time stipulated by this Court.

2.The case of the petitioner is that her husband namely P.Thangaraj, who was working as Village Assistant, Perugamani Village, while he was on duty, died on 08.01.2008. At the time of death of her husband, they have one son and one daughter and her daughter got married. The petitioner gave representation to the respondents 1 and 2 to grant pension for the death of her husband and also seeking for other monetary benefits. Even after several representations, the respondents 1 and 2 have not taken any steps to



grant pension.

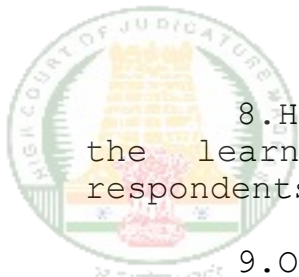
3.While so, on 20.09.2011, the second respondent issued a notice to the petitioner to appear for an enquiry to enquire the grant of family pension as well as retirement benefits, since her husband has two wives. On receipt of the said notice, the petitioner along with her son and daughter appeared for the enquiry and the second wife of her husband, son and daughter have also appeared. Further, the second respondent has issued notices on 12.07.2013 and 20.06.2014 to appear for further enquiry. In the meantime, the petitioner's son has also gave an application to the respondents 1 and 2 for providing a job under the compassionate grounds. Since no action has been taken on the side of the respondents 1 and 2, the petitioner has filed the above Writ Petition.

4.In the counter-affidavit filed by the second respondent, it is stated that the petitioner has not made any representation before the authority, except the representation dated 10.11.2014 by way of a registered post for the purpose of filing the Writ Petition. It is further stated that the second respondent had sent a notice to the petitioner by proceedings in Na.Ka.No.Na6/186/2008 dated 22.01.2009 to produce the Death Certificate, Legal heir certificate and other relevant records before the concerned authority for passing appropriate orders with regard to the claim made by the petitioner for monetary benefits of her husband. On the contrary, one Palaniammal also filed an application before the second respondent on 05.01.2009 claiming that she is the second wife of the deceased Thangaraj. Since two persons were claiming the death-cum-retirement benefits of the petitioner's husband, notices were issued to the petitioner and Palaniammal to appear before the second respondent in person for an enquiry with relevant records. In spite of repeated letters sent to the petitioner and Palaniammal to appear for an enquiry in person to redress the dispute between them, both of them have not appeared before the authority to redress the dispute between them.

5.In the meantime, the petitioner's son, namely Logeshwaran as well as the second wife's son namely Sadheddswaran were also made applications for compassionate appointment. Even without solving the dispute between the first wife and second wife, the authority could not able to consider the claim of the petitioner.

6.The learned counsel appearing for the petitioner submitted that even after conducting necessary enquiry, the respondents 1 and 2 have not considered for payment of pension to the petitioner and also to provide compassionate appointment to the petitioner's son.

7.The learned Additional Government Pleader appearing for the respondents 1 and 2 submitted that since the petitioner and the second wife of the deceased Thangaraj have not solved the dispute between them, they are not in a position to pass orders.



8. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 and 2.

9. On going through the materials available on record, it is clear that the petitioner's husband died on 08.01.2008 and the legal heirship certificate, which was issued on 20.02.2008, would show that the petitioner herein / T.Rasammal is the first wife, aged 45 years, A.Parameswari, daughter, born through the first wife, T.Logeshwaran, son, born through the first wife, T.Maheswari, daughter born through the second wife / Palaniammal and T.Satheshwaran, son born through the second wife are the legal heirs of the deceased Thangaraj. It is also seen that ration card was also issued including all these persons, namely, Thangaraj, Rasammal, Palaniammal, Logeshwaran, Maheswari and Satheshwaran.

10. As all the children become major, they cannot claim any right over family pension. As it is made clear that only persons who are depending on the deceased person and the first wife being the legally wedded wife, is entitled for pensionary benefits, but the death cum monetary benefits can be shared between the first wife, sons and daughters of the deceased Thangaraj.

11. Regarding the pensionary benefits, this Court is of the view that the petitioner being the legally wedded wife is entitled for receiving the family pension.

12. With regard to the death cum retirement benefits, all the five persons, whose names are found in the legal heir certificate, are entitled to the same according to the claim made by them and they can share the same equally between them. Regarding the compassionate appointment, it is a different issue and that issue is not pending before this Court and accordingly, the said parties are directed to approach the appropriate authorities as per law and this Court need not decide the same. The respondents are hereby directed to grant the family pension to the first wife of the deceased-P.Thangaraj and the other death benefits to the legal heirs of the deceased-P.Thangaraj, based on the representation dated 10.11.2014 within a period of three months from the date of receipt of a copy of this order.

13. With these observations, the Writ Petition is disposed of.

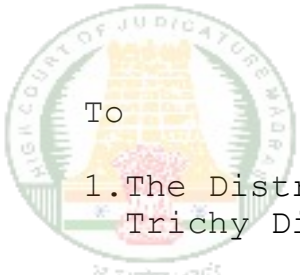
Sd/-

Assistant Registrar (AS)

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/ /2020

Sub Assistant Registrar(CS)



To

1.The District Collector,
Trichy District.

2.The Tahsildar,
Srirangam Taluk Office,
Trichy District.

+1 CC to M/s.SPL.GP (SR-10155[F] dated 05/03/2020)

+1 CC to M/s.B.JAMEEL ARASU, Advocate (SR-10248[F] dated 05/03/2020)

Order made in
W.P. (MD) No.20796 of 2014
Dated:
04.03.2020

PS

TK/SAR./18.03.2020/4P/5C