

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.02.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.NO.2914 OF 2021

Y.Mohana

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep.by the commissioner,
Chengalpattu Municipality,
Chengalpattu - 603 001.
2. The Director,
Municipal Pension Payment,
Directorate of Local Fund Audit,
Integrated Office Complex for
Finance Department, 4th Floor, Nandhanam,
Chennai - 600 035.
3. The Assistant Director,
Municipal Pension Payment
Directorate of Local Fund Audit,
Integrated Office Complex for
Finance Department, 4th Floor, Nandhanam,
Chennai - 600 035.
4. The Principal Accountant General,
(Accounts and Establishment),
Tamil Nadu, No.361, Anna Salai,
Teynampet, Chennai- 600 018.

.... Respondents

Prayer:

Writ petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the respondents to grant family pension to the petitioner for which the petitioner made a detailed representation, dated 04.02.2019.

For Petitioner : Mr.R.Malaichamy

For Respondents : Mr.L.P.Maurya (for R1)
Mr.A.Aruldoss (for R2 & R3)
Government Advocate

O R D E R

This writ petition has been filed, seeking a direction to the respondents to grant family pension to the petitioner, for which the petitioner made a detailed representation, dated 04.02.2019.

2. By consent, final orders are passed in the writ petition at the admission stage. Mr.L.Maurya, learned counsel takes notice for R1 and Mr.Aruldoss, learned Government Advocate takes notice for R2 and R3.

3. It is the case of the petitioner that the mother of the petitioner who retired from service as Maternity Aaya was drawing pension till her life time i.e.13.12.2016. After the demise of her mother, the petitioner had made several representations to the respondents for grant of family pension on the ground being a daughter, the only legal heir of her mother, is entitled to family pension. Further, it is stated that as per G.O.Ms.No.325, dated 28.11.2011, the 1st respondent has recommended the petitioner to the Director, Department of Local Fund Audit, Chennai 18 for grant of family pension vide order dated 17.05.2017. The petitioner also filed petitions under RTI Act, for which it was replied that the petitioner's case is under the process for grant of family pension. She has submitted all the relevant certificates and documents of her claim. Now, it is communicated by the 3rd respondent dated 04.06.2020 through RTI that the petitioner representations and all the documents have been forwarded to the 1st respondent for taking action and after approval of the same by the 1st respondent, her claim will be considered. But the 1st respondent already communicated by his letter dated 14.06.2019 that he directed the 2nd respondent to take action on the request for grant of pension.

4. In view of the limited prayer sought for by the petitioner and if the petitioner's representation is pending before the authorities concerned for more than 3 years, this Court directs the petitioner to make a fresh representation before the 2nd respondent concerned, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the 2nd respondent is directed to consider the representation of the petitioner, by taking note of all previous letters / orders issued by the respondents with regard to grant of family pension to the petitioner and pass appropriate orders in accordance with law, after affording an opportunity of hearing to the petitioner, as expeditiously as possible, preferably within a period of 60 days thereafter.

5. The petitioner shall furnish her phone number, email ID, if any, etc., along with a copy of the fresh representation and this order, to the respondents. The respondents are directed to communicate the decision taken on the representation, to the petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the parties to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the parties, they will have to face the civil imprisonment in case of contempt proceedings and, if they are unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of attempt of delivery, so that the parties, at a later point of time, will not take a plea that she is not aware of the order.

6. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

vum

To:

1. The Commissioner,
State of Tamil Naud,
Chengalpattu Municipality,
Chengalpattu - 603 001.
2. The Director,
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Integrated Office Complex for
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4. The Principal Accountant General,
(Accounts and Establishment),
Tamil Nadu, No.361, Anna Salai,
Teynampet, Chennai- 600 018.

+1cc to Mr.R.Malaichamy, Advocate, S.R.No.8186
+1cc to Mr.L.P.Maurya, Advocate, S.R.No.8175
+1cc to the Government Pleader, S.R.No.8485

W.P.No.2914 of 2021

CA(CO)
CS/10/03/2021



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