

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.02.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.3963 of 2021
(Heard through VC)

Krishnammal

... Petitioner

-vs-

1.The Accountant General,
Office of the Accountant General,
36, Anna Salai,
Teynampet,
Madras.

2.The Director of pensions,
36, Annasalai,
Teynampet,
Chennai.

3.The Treasury Officer,
Collectorate Buildings,
Namakkal District.

4.The Assistant Treasury Officer,
Assistant Treasury Office,
Kacheri Road, Rasipuram,
Namakkal District.

... Respondents

Prayer: Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus directing the 1st respondent to consider the representation of the petitioner dated 25.01.2021 seeking for issuance of Family Pension, Death Benefit and all other attendant monetary benefits payable to the petitioner due to the demise of her husband Late Arunachalam within the stipulated time.

For Petitioner : Mr.N.Umapathy
For Respondent-1 : Ms.S.Sangamithirai
For Respondent-2 : Mr.A.Arul Doss
Government Advocate
For Respondents 3 & 4 : Mrs.P.Rajalakshmi
Additional Government Pleader

O R D E R

The petitioner has come up with this writ petition seeking a direction to the first respondent to consider her representation dated 25.01.2021 seeking for issuance of Family Pension, Death Benefit and all other attendant monetary benefits payable to her due to the demise of her husband Late Arunachalam.

2. Ms.S.Sangamithirai, learned counsel takes notice on behalf of the respondent No.1. Mr.A.Arul Doss, learned Government Advocate takes notice on behalf of the respondent No.2. Mrs.P.Rajalakshmi, learned Additional Government Pleader takes notice on behalf of the respondent Nos.3 & 4.

3. By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

4. The learned counsel for the petitioner submitted that the petitioner's husband Late Arunachalam was working as a teacher and retired from service. During the subsistence of her marriage with the Late Arunachalam, he got married with one Panchalai as a second wife, which is not a legally valid marriage and in the service records, the nominee of the said Arunachalam has been mentioned as Panchalai. However the said Panchalai died on 13.02.2006. One Thirunavukarasu born out of the wedlock between the second wife Panchalai and the Late Arunachalam, has been nominated as a nominee by the said Arunachalam. Now, after the demise of the Late Arunachalam, the said Thirunavukarasu is working as an Assistant seed officer in Government Agricultural Department. Hence, the petitioner has made a representation dated 25.01.2021 to the first respondent seeking to dispose the Family Pension, death benefits and all other attendant monetary benefits to her. However, the said representation is pending for a long time. Hence, this petition.

5. Considering the facts and circumstances of the case, as the petitioner's representation is already pending with the authority concerned, this Court directs the first respondent herein to consider the petitioner's representation dated 25.01.2021, if not already considered and pass appropriate

orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioner and others, if any, who are likely to be affected, as expeditiously as possible, preferably within a period of four months days from the date of receipt of a copy of this order. The petitioner shall appear for personal hearing on the specified date fixed by the first respondent either physically or virtually or she shall send a written submission through registered or speed post, which can be treated as a personal hearing. In case the petitioner fails either to appear in-person or submit her written submission, there is no bar for the first respondent to pass orders on the petitioner's representation based on the available documents before him and the petitioner, at a later point of time, cannot take a plea that opportunity of hearing was not afforded.

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

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1.The Accountant General,
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36, Anna Salai,
Teynampet, Madras.

2.The Director of pensions,
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Teynampet, Chennai.

3.The Treasury Officer,
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4.The Assistant Treasury Officer,
Assistant Treasury Office,
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+1cc to M/s.N.Umapathi, Advocate Sr.11017
+1cc to the Government Pleader Sr.11110

W.P.No.3963 of 2021

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srg 24/03/2021