

IN The HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2021

CORAM:

The HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.5464 of 2021

S.Renuka

... Petitioner

-vs-

1. The Superintendent of Police,
Thanjavur, Thanjavur District.
 2. The Pension Pay Officer,
Amma Complex, Ground Floor,
Veterinary Hospital Campus,
No.571, Anna Salai,
Nandanam, Chennai - 600 035.
 3. The Accountant General (A&E),
Tamil Nadu, Teynampet,
Chennai - 600 015.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 1st respondent to forthwith consider and pass orders on the representation dated 25.12.2020 which was given by the petitioner seeking family pension as per G.O.325, Finance (Pension) dated 28.11.2011 with effect from 28.11.2011 within the stipulated time.

For Petitioner : Mr.K.Raja

For Respondents: Mr.J.Pothiraj
Special Government Pleader

O R D E R

This Writ petition is filed, seeking a direction to the 1st respondent to consider the representation of the petitioner dated 25.12.2020, seeking family pension as per G.O.325, Finance (Pension) dated 28.11.2011 with effect from 28.11.2011.

2.Mr.J.Pothiraj, learned Special Government Pleader takes notice for respondents. By consent, final orders are passed in the Writ Petition at the admission stage.

3. The petitioner is the daughter of the deceased employee who had retired from service as an Assistant Sub-Inspector of Police in Thanjavur East Police Station, Thanjavur, and she is

claiming family pension after the demise of her father and mother. According to the petitioner, since she is a divorcee, living with her brother and having no source of income and seeking family pension for her livelihood at the age of 62 years. Hence, she made a representation to the 1st respondent, seeking family pension. As there was no response on the representation, having no other alternative remedy, the petitioner has approached this Court by filing the present Writ petition.

4. Considering the age of the petitioner i.e., about 62 years, and her mother was also drawing family pension and has since deceased and taking into account the fact that the petitioner's representation is already pending with the 1st respondent, the Writ Petition is disposed of with the following directions:

i) A direction is issued to the 1st respondent to consider the representation preferred by the petitioner dated 25.12.2020, if not already disposed of, by taking into account of G.O.No.325, Finance (Pension), dated 25.12.2020 and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioner and other persons, if any, who are likely to be affected, as expeditiously as possible, preferably within a period of two months from the date of receipt of a copy of this order;

ii) In case the petitioner is unable to appear for personal hearing, the petitioner is entitled to send a written submission within a period of one month from the date of receipt of a copy of this order through registered post or speed post and the same shall be treated as personal hearing. It is made clear that the petitioner can avail the opportunity of either personal hearing or filing written submission and not both;

iii) In case the petitioner fails to appear or file a written submission in time, the 1st respondent shall pass orders based on the available records and the petitioner, cannot at a later point of time take a stand that opportunity of being heard is not given to the petitioner;

iv) The petitioner shall furnish Mobile Number, email ID, if any, etc., along with a copy of the representation dated 25.12.2020 and this order, to the respondents forthwith;

v) The 1st respondent is 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 petitioner to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the petitioner, they will have to face the civil imprisonment in case of contempt proceedings. 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 delivery, so that the petitioner, later on, will not take a plea that the petitioner is not aware of the order. No costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

vum

To

1. The Superintendent of Police,
Thanjavur, Thanjavur District.
2. The Pension Pay Officer,
Amma Complex, Ground Floor,
Veterinary Hospital Campus,
No.571, Anna Salai,
Nandanam, Chennai - 600 035.
3. The Accountant General (A&E),
Tamil Nadu, Teynampet,
Chennai - 600 015.

+lcc to Mr.K.Raju, Advocate, S.R.No. 14706
+lcc to the Government Pleader, S.R.No. 15158

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PCH(CO)
GN(08/04/2021)

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