

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.7266 of 2021

W.D.Thilagavathy

... Petitioner

Vs.

1. The State of Tamil Nadu,
represented by Secretary to Government,
Public Works Department,
Fort St. George,
Chennai 600 009.
 2. The Joint Director,
Central Land Survey Office,
Chepauk, Chennai 600 005.
 3. The Senior Accounts Officer,
Principal Accountant General (Accounts & Entitlements)
Tamilnadu, No.361, Anna Salai,
Chennai 600 018.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the Respondents 1 to 3 herein to grant family pension to the Petitioner's brother for the reason that, her Late father and mother were pensioners under the Respondents 1 to 3 herein.

For Petitioner : Mr.K.P.Chandrasekaran
For 1st Respondent : Mr.M.Loganathan
For 2nd Respondent : Mr.P.Karthikeyan,
Addl. Government Pleader
For 3rd Respondent : Mr.V.Vijay shankar

O R D E R

Petitioner has come up with this Writ Petition seeking a direction to the Respondents 1 to 3 herein to grant family pension to her blood brother, viz. Gopalakrishnan, aged about 70 years, who is a mentally retarded person, for the reason that,

her Late father and mother were pensioners under the Respondents 1 to 3 herein. According to the Petitioner, she is the natural guardian of the said Gopalakrishnan. As Respondents 1 to 3 have not considered the representation made by her for family pension, and that, she has no other regular income for survival, the Petitioner is before this Court.

2. When the matter is taken up for hearing, learned Additional Government Pleader appearing for the 2nd Respondent, with reference to the communication dated 18.01.2021 addressed by the 3rd Respondent to the 2nd Respondent, contended that the Principal Accountant General (A&E), Chennai, did not refuse to extend pensionary benefits to the Petitioner, however, he has stated that, Guardianship Certificate may be produced by her in order to take further action on the issue in question.

3. In reply, learned counsel for the Petitioner submitted that, he will instruct the Petitioner to make necessary Application to obtain Guardianship Certificate from the Court of Law and produce it to the Respondents in order to enable the Petitioner to receive pensionary and other benefits due to her brother, Gopalakrishnan.

4. Taking note of the submissions made by the learned counsel on either side, this Court grants liberty to the Petitioner to approach the Court of Law to obtain Guardianship Certificate. Once the Guardianship Certificate is produced by the Petitioner, Respondents are expected to act immediately without any further delay. Respondents shall communicate the decision taken by them to the Petitioner, within a period of thirty days from the date of receipt of a copy of the Guardianship Certificate.

With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

सत्यमेव जयते
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

(aeb)

To:

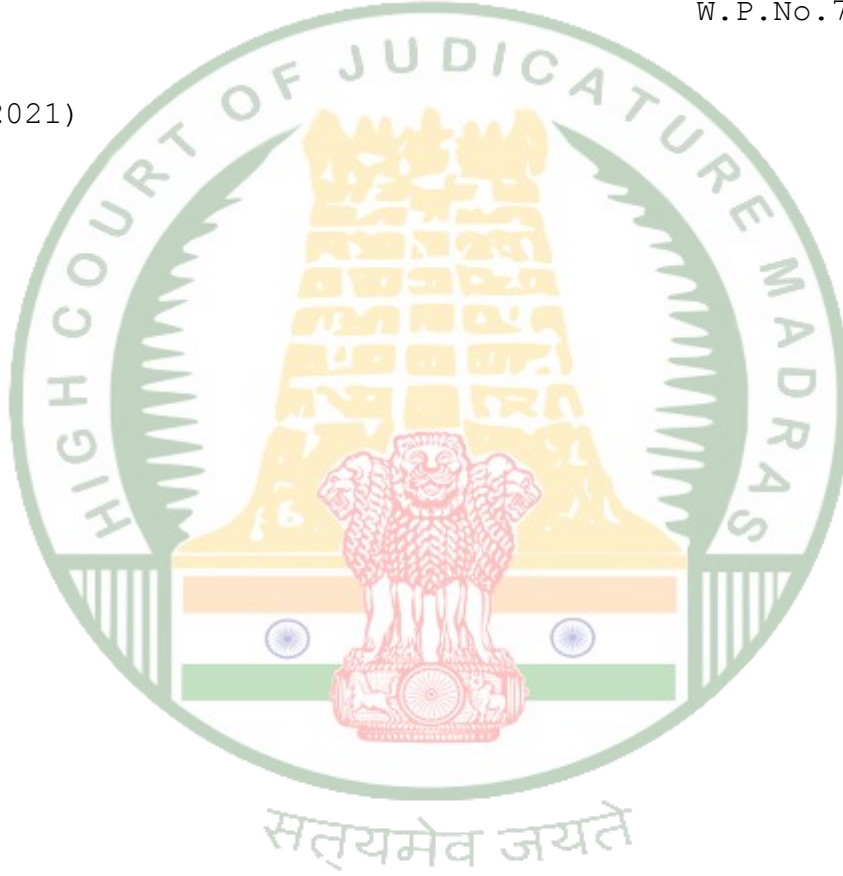
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+lcc to the Government Pleader, S.R.No.18017, 18209

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