

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.28265 of 2014

Kalyani

W/o.N.Ramasamy [late]

... Petitioner

Vs.

1.The Principal Accountant General,
Office of Principal Accountant General,
[Accounts & Settlement]
361, Anna Salai, Chennai - 600 018.

2.The District Elementary Educational Officer,
Ariyalur District, Ariyalur.

3.The Assistant Elementary Educational Officer,
Sendurai Taluk 621 714,
Ariyalur District.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to sanction and pay the family pension and other retirement benefits to the petitioner on the eve of the demise of her husband N.Ramasamy from the post of Elementary School Head Master, Sendurai Block, Ariyalur District, based on the proposal forwarded by the 3rd respondent in Na.Ka.No.448/A3/2013 dated ../05/2013 signed on 07.10.2013 along with interest for belated payment within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran

For R2 & R3 : Mr.A.Rajaperumal
Additional Government Pleader

ORDER

This writ petition has been filed to direct the respondents to sanction and pay family pension and other retirement benefits to the petitioner due to the death of her husband by name N.Ramasamy, who was working as Elementary School Head Master, Sendurai Block, Ariyalur District at that time, based on the proposal forwarded by the 3rd respondent in Na.Ka.No.448/A3/2013 dated ../05/2013 signed on 07.10.2013 along with interest within a time frame to be fixed by this Court.

2. It is the case of the petitioner that her husband N.Ramasamy was employed as an Elementary School Head Master and retired from service on attaining the age of superannuation on 31.07.2002 and subsequently, he died on 30.11.2009. He originally married to one Mani @ Maniammal, who died, after giving birth to two children and thereafter, he married the petitioner. As per the nomination submitted by her husband on 01.10.1986, the petitioner is his wife and is entitled to receive all the benefits due to him. However, while doing so, he mentioned the name of the first wife Mani @ Maniammal, in order to get benefits for two children born to her. It is the further case of the petitioner that after the demise of her husband, on 30.11.2009, she submitted an application in the prescribed format requesting to grant family pension and other benefits, which was returned by the first respondent on 14.02.2013 stating that the deceased nominated both the wives as nominees for family pension. Further, the third respondent was called upon to examine the issue and resubmit the proposal. Accordingly, the third respondent resubmitted the proposal clarifying the issue vide communication in Na.Ka.No.448/A3/2013 dated ..5.2013. However, the first respondent again returned the proposal on 24.06.2013 as to clarify whether Mani and Maniammal are one and the same person and inform the date of death of the first wife and date of second marriage. In this regard, the first son of Mani @ Maniammal gave an affidavit dated 06.12.2013 declaring that his mother Mani @ Maniammal are one and the same person and she died on 12.06.1975. Even thereafter, the first respondent did not sanction the family pension and other benefits due to the petitioner. Hence, this writ petition.

3. The learned counsel for the petitioner submitted that though the husband of the petitioner retired from service on 31.07.2002 and expired on 31.11.2009, she was not paid any amount towards family pension, which is not a bounty, but a valuable right of her husband. He further submitted that the petitioner is now suffering from age old ailments and hence, appropriate direction be issued to the first respondent to consider the claim of the petitioner, so as to enable her to meet out the medical expenses.

4. On the other hand, the learned Additional Government Pleader appearing for the respondents 2 and 3 submitted that on the basis of the materials furnished by the petitioners, the respondents would consider the claim of the petitioner and pass appropriate orders, within a reasonable time to be fixed by this Court.

5. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the respondent authorities to consider the claim of the petitioner pertaining to family

pension and pass appropriate orders, based on the proposal forwarded by the third respondent in Na.Ka.No.448/A3/2013 and also in the light of the materials furnished by the petitioner. Such an exercise shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this Order.

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

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vrc

To

1. The Principal Accountant General,
Office of Principal Accountant General,
[Accounts & Settlement]
361, Anna Salai, Chennai - 600 018.
2. The District Elementary Educational Officer,
Ariyalur District, Ariyalur.
3. The Assistant Elementary Educational Officer,
Sendurai Taluk 621 714, Ariyalur District.

+1cc to the Government Pleader, S.R.No. 4943

W.P.No.28265 of 2014

RSI (CO)
GN(16/06/2021)

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