



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:11.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. (MD)No.314 of 2021

A.Dhanakodi

... Petitioner

Vs.

1.The Director,
Regional Office - Administration Branch
Employees State Insurance Corporation,
Sterling Road, Nungambakkam,
Chennai-600 034.

2.The Joint Director,
Sub Regional Office(Madurai)
Employees State Insurance Corporation
4th Main Road, K.K.Nagar,
Madurai-20.

3.A.Saravanakumar

... Respondents

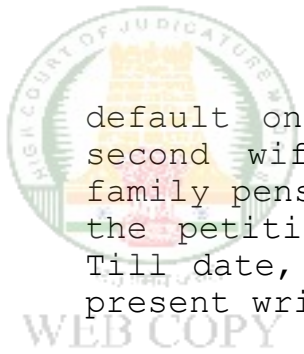
Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to release the family pension to the petitioner on account of death of her husband namely K.P.Arjunan and arrears of pension from June 2004 to till date based on her representations dated 04.10.2018 and 26.11.2019 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.Thalaimutharasu.G

O R D E R

This writ petition has been filed for a direction to the first and second respondents to release the family pension to the petitioner on account of death of her husband, namely, K.P.Arjunan and arrears of pension from June 2004 to till date based on her representations, dated 04.10.2018 and 26.11.2019 within the time limit that may be stipulated by this Court.

2.The case of the petitioner is that she is a legally wedded wife of K.P.Arjunan, who served as Mechanical Transport Driver in the Air Force Military Department and after his retirement, he re-employed in the Employees State Insurance Corporation. While he was in service, he was deserted the petitioner from the matrimonial home and married another women viz., Lakshmi, without her knowledge and the said marriage of the petitioner's husband was not dissolved in the manner known to law. In such circumstances, the petitioner's husband instituted a divorce petition before the Subordinate Court, Pudukottai in H.M.O.P.No.34 of 2004 and the same was dismissed for



default on the ground of no representation and subsequently, the second wife died leaving behind the third respondent. However, family pension of the petitioner was not disbursed from 2004. Hence, the petitioner made representations on 04.10.2018 and 26.11.2019. Till date, the said representations were not considered. Hence, the present writ petition is filed.

3.The learned counsel appearing for the petitioner would submit that this Court may issue a direction to the second respondent to consider the petitioner's representations in accordance with law.

4.Considering the facts and circumstances of the case, this Court directs the second respondent to consider the petitioner's representations dated 04.10.2018 and 26.11.2019 and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order, if not disposed of already. The petitioner is directed to send a copy of the representation informing the second respondent to pass orders.

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

Sd/-

Assistant Registrar (RTI Act)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

1.The Director,
Regional Office - Administration Branch
Employees State Insurance Corporation,
Sterling Road, Nungambakkam,
Chennai-600 034.

2.The Joint Director,
Sub Regional Office(Madurai)
Employees State Insurance Corporation
4th Main Road, K.K.Nagar,
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