



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.06.2021

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. (MD) No.9065 of 2021

and

W.M.P (MD) No.6827 of 2021

WEB COPY

N.Rosammal

... Petitioner

vs.

- 1.The Government of Tamil Nadu,
Rep. by its Secretary,
Tamil Development & Culture Department,
Fort St. George, Chennai - 600 009.
- 2.The Director of Tamil Development & Culture,
Kuralagam, Chennai 108.
- 3.The District Collector,
Kanyakumari District at Nagercoil.
- 4.The Accountant General (A & E),
Office of Accountant General (A & E),
Teynampet,
Chennai - 600 018.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents herein to disburse the family pension to the petitioner, drawn by her husband late A.Rabel, as Tamil Mozhi Kavalan till his death on 17.11.2015 and consequently, direct the respondents herein to pay arrears of pension payable to the petitioner from 01.12.2015.

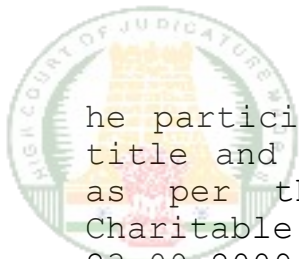
For Petitioner	:	Mr.V.S.Kumaraguru
For R-1 to R-3	:	Mr.P.Thilak Kumar, Standing Counsel
For R-4	:	Ms.Mahalakshmi

O R D E R

This writ petition has been filed by the petitioner seeking for issuance of a Writ of Mandamus, directing the respondents herein to disburse the family pension to the petitioner, drawn by her husband late A.Rabel, as 'Tamil Mozhi Kavalan' till his death on 17.11.2015 and consequently, direct the respondents herein to pay arrears of pension payable to the petitioner from 01.12.2015.

2.The learned counsel appearing for the petitioner would submit that the petitioner's husband late.Rabel was a Freedom Fighter and

<https://hcservices.ecourts.gov.in/hcservices/>



he participated in the 'Quit India Movement' and he was given the title and honour as "Tamil Mozhi Kavalakar" and entitled for pension as per the Scheme framed in G.O.(Ms)No.290 Tamil Development Charitable Development & Information (Thava 1.2) Department dated 23.09.2009 and he applied for such pension and orders were also passed directing to pay such pension with effect from 01.01.2000 and till his death ie., on 17.11.2015, he was receiving such pension and after his demise, the petitioner as a legal heir is entitled to receive pension. Hence, she made a representation to the third respondent on 07.12.2015, who in turn, forwarded the same to the second respondent directing to get an application from the petitioner in the prescribed format and the second respondent also sent a reply on 02.11.2016 to the third respondent and subsequently, the third respondent also concluded the enquiry on 15.11.2017. Subsequently, no orders were passed and the matter is still pending without any consideration. Hence, this writ petition.

3. Mr.P.Thilak Kumar, learned standing counsel appearing for the respondents 1 to 3 on instructions would submit that the matter has been forwarded from the third respondent to the second respondent and now, it is pending before the second respondent and the second respondent will send the proposal within a period of four weeks.

4. Heard the learned counsel appearing on either side and perused the materials available on record.

5. Considering the submissions of the learned counsel for the petitioner as well as the respondents, the second respondent is directed to consider the proposal sent by the third respondent with regard to payment of family pension drawn by her husband late A.Rabel as 'Tamil Mozhi Kavalakar', to the petitioner and pass appropriate orders, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petition is disposed of. No Costs. Consequently, connected Miscellaneous Petition is closed.

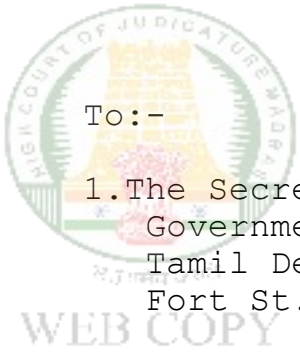
Sd/-

Assistant Registrar (P&A)

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/ /2021

Sub Assistant Registrar(CS)



To:-

- 1.The Secretary,
Government of Tamil Nadu,
Tamil Development & Culture Department,
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- 2.The Director of Tamil Development & Culture,
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- 3.The District Collector,
Kanyakumari District at Nagercoil.
- 4.The Accountant General (A & E),
Office of Accountant General (A & E),
Teynampet,
Chennai - 600 018.

+1 CC to M/s.SPL GP (SR-18966[F] dated 07/06/2021)

+1 CC to M/s.V.S.KUMARAGURU, Advocate (SR-18895[F] dated 07/06/2021

W.P. (MD) No.9065 of 2021
04.06.2021

KB(16.06.2021) 3P 7C