



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.06.2021

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD)No.9148 of 2021

R.Chinnathai

... Petitioner

Vs.

1.The Principal Accountant General
(Accountants & Entitlements)
361, Anna Salai, III Block - II Floor,
DMS Campus, Teynampet, Chennai.

2.The Superintendent of Police,
Office of the Superintendent of Police,
Tirunelveli District-2.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 1st respondent to grant Full Family Pension (100%) and arrear of Family Pension, etc., based on considering the pension proposal of the 2nd respondent vide his letter dated 22.10.2018, 10.06.2019 (remainder letter) to the petitioner in respect of her deceased husband lated.Rakkan, who has died on 20.12.1981, while he was in service, within time frame may be fixed by this Court.

For Petitioners : Mr.V.Muthuvelan
For R1 : Mrs.Mahalakshmi
For R2 : Mr.P.Thillak Kumar,
Standing Counsel for Government

ORDER

Mrs.Mahalaksmi, learned counsel takes notice for the first respondent and Mr.P.Thilak Kumar, learned Standing Counsel for the Government, accepts notice on behalf of the second respondent.

2. By consent, the Writ Petition is taken up for final disposal at the admission stage itself.

3. This writ petition has been filed by the petitioner seeking for issuance of a Writ of Mandamus, directing the first respondent to grant Full Family Pension (100%) and arrear of Family Pension, etc., based on considering the pension proposal of the second respondent vide his letter dated 22.10.2018, 10.06.2019 (remainder letter) to the petitioner, in respect of her deceased husband late.Rakkan, who died on 20.12.1981, while he was in service.

4.The case of the petitioner is that after the death of the first wife, the deceased Mr.Rakkan, married the petitioner legally,



as second wife. While the deceased Mr.Rakkan was working as a Constable under the control of the second respondent, died on 20.12.1981 in harness and due to which, full family pension was sanctioned and half of family pension was given to the petitioner and half of family pension was given to one Murugan, who is the son of the first wife. After attained majority, the half of family pension in respect of the minor son's was stopped. As per the Pension Rule, the petitioner is entitled to get full pension, till her death. But, the respondents withhold the 50% of the family pension of minor son. Therefore, the petitioner has approached the second respondent, on 18.01.2018 and submitted necessary documents. Pursuant to which, the second respondent has sent a proposal, dated 22.10.2018 to the first respondent and further, the second respondent sent a reminder to the first respondent, on 10.06.2019 and the copy was also served to the petitioner. So far no order has been passed by the first respondent. Hence, the present writ petition is filed.

5.The learned counsel appearing for the petitioner would state that already a proposal was sent by the second respondent to the first respondent in the year 2018 and sent a reminder also in the year 2019, and as of now, the said proposal is pending before the first respondent. Hence, the learned counsel for the petitioner prayed that it would be suffice if a direction is given to the first respondent to consider the proposal sent by the second respondent.

6. The learned standing counsel for the Government appearing for the respondents would state that the proposal submitted by the second respondent would be considered within a reasonable time.

7. Considering the submissions of the learned counsel for the petitioner as well as the respondents and in the light of the facts and circumstances of the case, without going into the merits of the case projected by the petitioner in this Writ Petition, the first respondent is directed to pass suitable orders on the proposal submitted by the second respondent, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order .

8. With the above direction, the writ petition is disposed of. No costs.

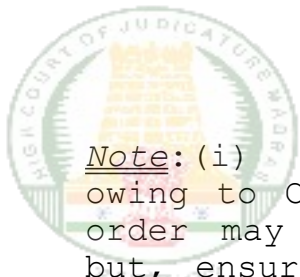
Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



Note: (i) In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

- 1.The Principal Accountant General
(Accountants & Entitlements)
361, Anna Salai, III Block - II Floor,
DMS Campus, Teynampet, Chennai.
- 2.The Superintendent of Police,
Office of the Superintendent of Police,
Tirunelveli District-2.

+1 CC to M/s.SPL GP (SR-19036[F] dated
08/06/2021)

W.P (MD) No.9148 of 2021

07.06.2021

CN(15.06.2021) 3P 4C