



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2021

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.359 of 2019

S.Sethulakshmi

...Petitioner

Vs.

1.The Principal Accountant General,
Office of the Principal Accountant General (A & E),
No.361, Anna Salai, Chennai-600 018.

2.The Assistant Elementary Educational Officer /
Block Educational Officer, Railway Feeder Road,
Rajapalayam, Virudhunagar District.

3.Chellam @ Chellammal ... Respondents
(Respondent No.3 is impleaded vide order of this Court dated
16.02.2021 in W.M.P.(MD).No.4319 of 2020 in W.P.(MD).No.359 of 2019)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to pay the family pension to the petitioner on the basis of G.O.Ms.No.325, Finance (Pension) Department, dated 28.11.2011.

For Petitioner: Mr.V.Thirumal

For R-1 : Mr.P.Gunasekaran

For R-2 : Mr.A.Thiyagarajan
Government Advocate

For R-3 : Mr.S.Sabbani Karpura Jothi

O R D E R

The petitioner is the daughter of Late A.Santhanam. The third respondent herein is the legally wedded wife of the late employee, who married him, after the death of his first wife. As per Rule 49 of the Tamil Nadu Pension Rules, the third respondent, who is a legally wedded wife is entitled for disbursement of the family pension in her favour. In view of the entitlement of the third respondent, the petitioner, who is the daughter of the first wife, will disentitle for family pension



2. However, the petitioner herein and the third respondent have amicably entered into a settlement, whereby, both the petitioner and the third respondent have agreed to receive 50% of the family pension each. Such an agreement has been entered into by way of a Joint Compromise Memo dated 23.02.2021 and the same is filed before this Court. The Joint Compromise Memo, dated 23.02.2021 is hereby recorded. The operative portion of the Joint Compromise Memo supported by separate affidavits filed by the petitioner and the third respondent herein, reads thus:-

"It is therefore humbly prayed that this Hon'ble Court may be pleaded to record our terms of compromise and on that basis to direct the respondents 1 and 2 to pay 50% of pension amount and pension arrears to me and remaining 50% of pension amount and pension arrears to the writ petitioner herein and subsequently either the survivor will be received full family pension in future and thus render justice."

3. The third respondent herein is granted liberty to make a proper application seeking for family pension along with the supporting documents to the second respondent herein. On receipt of such an application, the second respondent herein shall duly forward the same to the first respondent herein, who in turn shall authorize the proposal of the second respondent within a period of one month from the date of the proposal.

4. Consequently, the first respondent herein shall disburse the family pension to the third respondent herein and in view of the arrangement arrived by the petitioner and the third respondent herein, the third respondent shall pay 50% of the family pension to the petitioner herein atleast within a period of three days from the date on which the family pension is credited to her account.

5. The Writ Petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar

NOTE: 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

The Assistant Elementary Educational Officer /
Block Educational Officer, Railway Feeder Road,
Rajapalayam, Virudhunagar District.

+1 CC to M/s.V.THIRUMAL, Advocate (SR-8267[F] dated 02/03/2021)

+1 CC to M/s.SPL GP (SR-8407[F] dated 03/03/2021)

+1 CC to M/s.P.GUNASEKARAN, Advocate (SR-8668[F] dated 04/03/2021)

Order made in
W.P. (MD) No.359 of 2019
02.03.2021

TSG

MS/16.03.2021/3P.5C