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W.P.No.6349 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2022

CORAM

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.6349 of 2022

1.K.Muruguselvam

...Petitioner

Vs

1.The Union of India,
Represented by its Secretary,
Ministry of Health and Family Welfare,
Room No.348, 'A' Wing,
Nirman Bhavan, New Delhi - 110 011.

2.The Director of General,
O/o.Director General of Health Services,
Room No.446, Nirman Bhawan,
New Delhi - 110 011.

3.The Deputy Director - General,
Directorate General of Health Services,
West Block No.1, Wing No.6,
R.K.Puram, New Delhi - 110 066.

4.The Deputy Drugs Controller,
Represented by its Assistant Director,
Additional Charge, Government Medical Store Depot,
No.37, Naval Hospital Road,
Periamet, Chennai - 600 003.

...Respondents



W.P.No.6349 of 2020

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 4th respondent to release petitioner pension amount from 10th November, 2020 to December 2021 approximately around Rs.5,97,000/- (Rupees Five Lakhs Ninety Seven Thousand Only), Earn Leave Encashment amount of Rs.6,37,000/- (Rupees Six Lakhs Thirty Seven Thousand Only), Gratuity amount approximately of and other retirement benefits of petitioner around Rs.10,00,000/- (Rupees Ten Lakhs Only) from the voluntary retirement date of 10.11.2020.

For Petitioner : Mr.S.Prabhakar

For Respondents : Mr.C.Samivel
Senior Panel Counsel
for Government of India
for R1 to R3

Mr.L.S.M.Hasan Fizal
Additional Government Pleader
for R4

ORDER

This Writ Petition has been filed for a mandamus seeking for a direction to the fourth respondent to pay the pension and other retirement benefits amount from the date of the petitioner's voluntary retirement on 10.11.2020.



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2. The petitioner has not been paid his pension and other retirement benefits amount due to a dispute with his second wife, whom he married after his divorce with his first wife. The service rules of the respondents provide for getting consent from the spouse for payment of pension and other retirement benefits.

3. The petitioner has been making representations to the respondents seeking for payment of pension and other retirement benefits without getting the consent of his wife with whom he is having a matrimonial dispute.

4. Learned counsel for the petitioner would now submit that by letter No.Est./Pension/VRS/KM/11/2020/415 of June, 2021 from the Government Medical Store Depot, Directorate General of Health Service, Ministry of Health and Family Welfare, Government of India, the petitioner has been informed that the Authority who can grant relaxation of the service condition is "Department of Pension and Pensioners' Welfare". Learned counsel for the petitioner would now submit that the petitioner is willing to give a representation to the Department of Pension and Pensioners' Welfare seeking for relaxation under Rule 88 of CCS (Pension) Rules to enable the



petitioner to get pension and other retirement benefits without getting consent from his wife.

5. Learned Senior Panel Counsel for Government of India appearing for the respondent Nos.1 to 3 has also not raised any serious objection if the petitioner is permitted to give a representation as stated supra to the Department of Pension and Pensioners' Welfare for seeking relaxation of the service rules.

6. No prejudice would be caused to the respondents if the petitioner is allowed to give a representation seeking for relaxation of the aforementioned service condition.

7. For the foregoing reasons, this Court directs the petitioner to submit a fresh representation to the Department of Pension and Pensioners' Welfare as per Rule 88 of CCS (Pension) Rules seeking for relaxation of the service condition which stipulates that the petitioner will have to obtain consent from his wife for getting his pension and other retirement benefits pursuant to his voluntary retirement on 10.11.2020 within a period of two weeks from



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the date of receipt of a copy of this order. The petitioner shall also enclose a copy of this order to the Department of Pension and Pensioners' Welfare for its implementation. On receipt of the said representation, the Department of Pension and Pensioners' Welfare, Government of India shall pass final orders on merits and in accordance with law, within a period of twelve weeks thereafter.

8. With the aforementioned directions, this Writ Petition is disposed of. No Costs.

31.10.2022

Index : Yes/No
Speaking Order : Yes / No
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To

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Represented by its Secretary,
Ministry of Health and Family Welfare,
Room No.348, 'A' Wing,
Nirman Bhavan, New Delhi - 110 011.
- 2.The Director of General,
O/o.Director General of Health Services,
Room No.446, Nirman Bhawan,
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- 3.The Deputy Director - General,
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ABDUL QUDDHOSE. J.,

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