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W.P.No.26771 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2022

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.26771 of 2019
and W.M.P.Nos.34453 of 2019 & 6325 of 2020

S. Udhayakumari

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep. by its Secretary to Government,
Finance (L F Department),
Secretariat, Fort St. George,
Chennai – 600 009.

2.The Director,
Local Fund Audit Directorate,
Integrated Complex for Finance Department,
4th Floor, Nandanam,
Chennai – 600 035.

3.The Commissioner,
Bhavanisagar, Municipality,
Erode District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records of 2nd respondent in Mu.Mu.No.3910/Na O S (4)/2018 and quash the order dated 07.05.2018 and also directing the respondents to pay to the petitioner



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the family pension for the services of her husband K.Swaminathan rendered with 3rd respondent.

For Petitioner : Mr.T. Srinivasa Raghavan
For Respondents : Mr.S.J. Mohamed Sadiq,
Government Advocate [R1 & R2]
No Appearance for R3

ORDER

The petitioner herein, is the widow of one K. Swaminathan, who claims the family pension for the services of her deceased husband. According to the petitioner, she had married the employee namely K.Swaminathan on 17.03.1972 as per the Hindu Rites and Customs at Thiruvavarur.

2. The petitioner has produced various documents to substantiate that she is the legal wife of the late employee. The marriage invitation dated 17.03.1972, is produced before this Court. In the nomination for the General Provident Fund dated 28.10.2009 also, the petitioner's name is shown to be the nominee/wife. The marriage certificate dated 16.11.2009 issued by the Revenue Tahsildar also certifies that the marriage was solemnized on 17.03.1972 between the petitioner and the late employee



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namely K. Swaminathan. While the death certificate of K. Swaminathan evidences that he had expired on 26.01.2017, his legal heirship certificate dated 04.04.2017 issued by the Tahsildar, Thiruvarur, shows the petitioner and her son as the legal heirs of the late K.Swaminathan. On the strength of these documents, when the petitioner has sought for disbursement of the Death Cum Retirement Gratuity benefit, as well as the family pension, the same came to be rejected by the second respondent herein, through the impugned order dated 07.05.2018, stating that the service records of the late employee, shows him to be unmarried and therefore, the request of the petitioner was returned without recommendation.

3. When all these documents are produced before this Court, I am not in concurrence with the findings of the impugned order dated 07.05.2018 which states that the petitioner's husband was unmarried.

4. The learned Government Advocate appearing for the first and second respondents submitted that the petitioner had not produced the marriage certificate and the legal heirship certificate of the late employee. Now that all these supporting documents for the disbursement of the Death



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Cum Retirement Gratuity benefit and the family pension has been produced before this Court, the respondents may consider the same for the purpose of passing orders for disbursement of the Death Cum Retirement Gratuity benefit and family pension.

5. Accordingly, the petitioner is granted liberty to give a representation to the second respondent, enclosing all the required testimonial including the marriage certificate and the legal heirship certificate of late K.Swaminathan, within a period of two (2) weeks from the date of receipt of a copy of this order. On such representation being given, the second respondent shall pass appropriate orders for the purpose of disbursement of the Death Cum Retirement Gratuity benefit as well as the family pension in favour of the petitioner, within a period of six (6) weeks from the date of the said representation.

6. With the above direction, this Writ Petition stands disposed of. No costs. Connected miscellaneous petitions are closed.

06.12.2022

Index : Yes/No

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To

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- 2.The Director,
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M.S.RAMESH,J.

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