



W.P.No.5850 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2022

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.5850 of 2022 and W.M.P. Nos.5947 and 5950 of 2022

Anbukkarasi

... Petitioner

Vs

1.The Director,
Indian Medicine & Homeopathy Department,
Aringar Anna Hospital,
Arumbakkam, Chennai.

2.The District Siddha Medical Officer,
Head Quarters Hospital,
Puthur, Trichy – 17.

3.The Dean,
Government District Headquarters Hospital,
(Siddha Section),
Ariyalur.

4.The Tahsildar,
Taluk Office,
Ariyalur.

5.The Accountant General,
No.361, Anna Salai,
Teynampet,
Chennai – 600 018.

6.Vignesh

... Respondents



W.P.No.5850 of 2022

Prayer : Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned letter in Na.Ka.No.6320/Ni/2019 dated 21.01.2020 on the file of the second respondent and quash the same consequently direct the respondents 1 to 3 and the 5th respondent to grant the entire death cum terminal benefits along with pension to the petitioner pertaining to the petitioner's husband Dr.Gnanaruban on the basis of the representation given by the petitioner dated 28.05.2020.

For Petitioner ... Mr.M.Saravana Kumar

For Respondents ... Mr.E.Sundaram,
Government Advocate
for R1 to R4

Mr.J.Sree Vidya,
Standing Counsel for R5

ORDER

Challenging the impugned letter in Na.Ka.No.6320/Ni/2019 dated 21.01.2020 issued by the second respondent and seeking a direction to respondents 1 to 3 and the 5th respondent to grant the entire death cum terminal benefits along with pension to the petitioner pertaining to the petitioner's husband Dr.B.S.Gnaana Rubhan on the basis of her representation dated 28.05.2020, the petitioner has come to this Court.



W.P.No.5850 of 2022

2.The petitioner claims to be the wife of the deceased Dr.B.S.Gnaana Rubhan, who was working as a Siddha Doctor in the third respondent Hospital and died on 01.01.2020 while in service. The petitioner claiming to be his legally wedded wife, has sought for family pension. In the impugned internal communication dated 21.01.2020 between the second respondent and the first respondent, for the rival claims made by the petitioner as well as the sixth respondent, they have sought for legal opinion. Admittedly, even before final orders have been passed in respect of the petitioner's request for grant of family pension, the petitioner has filed this writ petition pre-maturely.

3.Learned counsel for the petitioner would now submit that the petitioner is willing to give a fresh representation to the second respondent seeking for grant of family pension on account of the death of her husband Dr.B.S.Gnaana Rubhan.

4.The said statement is recorded. No prejudice would be caused to the respondents if the representation is considered, on merits and in accordance



W.P.No.5850 of 2022

with law, within a time frame to be fixed by this Court, after affording a hearing to the petitioner as well as the sixth respondent.

5.For the foregoing reasons, this writ petition is disposed of by directing the petitioner to submit a fresh representation to the second respondent requesting for sanction of family pension in her favour on account of the death of Dr.B.S.Gnaana Rubhan, who was earlier working in the third respondent hospital, within a period of one week from the date of receipt of a copy of this order. On receipt of the said representation, the second respondent is directed to pass final orders, on merits and in accordance with law, within a period of twelve weeks thereafter. No costs. Consequently, connected W.M.Ps stand closed.

16.12.2022

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Note: Issue order copy on 20.12.2022



W.P.No.5850 of 2022

WEB COPY To

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W.P.No.5850 of 2022

ABDUL QUDDHOSE, J.

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