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W.P.No.28932 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.11.2022

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THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.28932 of 2022

Sudha

... Petitioner

Vs.

1.The Additional Chief Secretary,
Commissioner of Revenue Administration,
Chepauk,
Chennai – 600 005.

2.The Accountant General (A&E),
Pension – 1,
No.361, Anna Salai,
Teynampet,
Chennai – 600 018.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus, to call for the records in pursuance of the impugned letter in Pen 01/22-23/Unit 1/PPT No.15068 dated 15.07.2022 passed by the 2nd respondent and to quash the same and direct the 2nd respondent to grant widow pension to the petitioner in pursuance of her application.

For Petitioner : Mr.S. Thiruvengadam

For Respondents : Mr.G. Ameedius,
Government Advocate [R1]
Mr.V. Vijay Shankar [R2]



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ORDER

This Writ petition has been filed challenging the letter dated 15.07.2022 issued by the second respondent, calling upon the petitioner to produce a Legal Heirship Certificate of her deceased husband S.Ganesan.

2. Heard the learned counsel for the petitioner. Mr.G. Aameedius, learned Government Advocate, accepts notice on behalf of 1st respondent and Mr.V. Vijay Shankar, learned counsel accepts notice on behalf of 2nd respondent. By consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

3. The petitioner seeks for payment of widow pension. She is the daughter of the deceased employee V. Easwaran. The petitioner has submitted the widow certificate. She also claims that she has submitted all other documents which is required for getting widow pension. However, under the impugned communication dated 15.07.2022, the second respondent has sought from the petitioner the Legal Heirship Certificate of her deceased husband S. Ganesan.



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4. The necessity to produce the Legal Heirship Certificate for the petitioner's deceased husband S. Ganesan will not arise as she has only sought for payment of widow pension in her favour, for her father who was an employee with the respondent and had got superannuated. No reasons have also been given under the impugned communication as to why the respondents are seeking for the Legal Heirship Certificate for the petitioner's husband late S. Ganesan when the petitioner is seeking for widow pension in respect of her deceased father who was an employee with the respondents. Arbitrarily and by total non-application of mind, the respondents have issued the impugned communication dated 15.07.2022. Therefore, the impugned communication dated 15.07.2022 has to be necessarily quashed and the matter has to be remitted back to the respondents to consider the petitioner's application seeking for payment of widow pension.

5. For the foregoing reasons, the Writ Petition stands allowed and the impugned letter dated 15.07.2022 is hereby quashed. Consequently, the matter is remitted back to the respondents to consider the application of the petitioner seeking for payment of widow pension in her favour for her deceased father V.



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Easwaran, without insisting upon the petitioner to produce the Legal Heirship Certificate for her deceased husband S. Ganesan. If the

ABDUL QUDDHOSE,J.

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petitioner satisfies all the other requirements of the respondents, the respondents shall consider granting the widow pension in favour of the petitioner, in accordance with law. No costs.

07.11.2022

Speaking/Non-speaking Order
Index: Yes/No

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To

- 1.The Additional Chief Secretary,
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