



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2022

CORAM

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.NO.7987 OF 2017

V.Rajeswari

... Petitioner

-vs-

1. The Accountant General,
O/o. The Principal Accountant General,
(Accounts and Entitlements) Tamil Nadu,
361, Anna Salai,
Chennai - 600 018.
2. The Director of Town and Country Planning,
No.807, Anna Salai,
Chennai - 600 002.
3. The Member Secretary,
Vellore Local Planning Authority,
Department of Town and Country Planning,
Sathuvachari,
Vellore District - 632 009.

... Respondents

Prayer:- Writ Petitions filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, to call for the entire records connected with the proceedings of the Third Respondent in Na. Ka. No. 406 of 2016 dated 19.12.2016 and quash the same consequently, direct the Respondents to disburse the family pension from 05.01.2016 onwards and also family security fund to the Petitioner within the time frame that may be fixed by this Court.

For Petitioner : Mr.G.Balamanikandan

For Respondents : Mrs.J.Sreevidhya,
Standing Counsel (for R1)
Mrs. C.Sangamithirai,
Special Government Pleader (for R2)
Mr.P.Chinnadurai (for R3)



O R D E R

Heard Mr.G.Balamanikandan, Learned Counsel for the Petitioner, Mrs.J.Sreevidhya, Learned Standing Counsel for the First Respondent, Mrs. C.Sangamithirai, Learned Special Government Pleader for the Second respondent and Mr. P.Chinnadurai, Learned Counsel for the Third Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner claims to be the wife of one D.Vasudevan, who was working as Supervisor in the office of the Third Respondent. The said D.Vasudevan retired from service on 28.02.2001 on attaining the age of superannuation. According to the Petitioner, the said D. Vasudevan married her on 09.07.2009 after the death of his wife, viz., V.Rajamani, on 14.04.2007. Subsequently, the said D. Vasudevan died on 05.01.2016. However, when the Petitioner made a claim for family pension after the death of the said D.Vasudevan, it was rejected by Order in Na. Ka. No. 406/2016 dated 19.12.2016 passed by the Third Respondent stating that there was no proof regarding the marriage of the said D.Vasudevan with the Petitioner, which is challenged in this Writ Petition.

3. Learned Counsel for the Petitioner submits that the marriage of the Petitioner with the said D.Vasudevan, which was solemnized on 09.07.2009, has been registered and he has also produced the copy of the marriage certificate before this Court though it had not been placed before the Third Respondent when the impugned order was passed. Inasmuch as the registration of marriage has taken place during the life time of the said D.Vasudevan, it is a relevant document that should have been made available for considering the claim for family pension made by the Petitioner.

4. In view of the foregoing discussion, the Writ Petition is disposed on the following terms:-

(i) the impugned order Na. Ka. No. 406 of 2016 dated 19.12.2016 passed by the Third Respondent is set aside and the matter is remitted back to the Third Respondent to determine the matter afresh;

(ii) the Petitioner shall submit another representation to the Third Respondent along with the copy of the marriage certificate of the Petitioner with the said D.Vasudevan and other requisite documents;



(iii) if it is found that the Petitioner has not produced any details or supporting documents satisfying the eligibility criteria for the benefits claimed, the deficiencies in that regard shall be informed in writing to him requiring the same to be furnished within a time frame of not less than 15 working days;

(iv) in the event of the concerned authority not being satisfied with the compliance of the requirements thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner to explain her position in that regard and the concerned authority shall pass reasoned orders dealing with each of the contentions raised on merits and in accordance with law and communicate the decision taken to the Petitioner under written acknowledgment;

(v) if the Petitioner is found entitled to the family pension claimed, it shall be ensured that the eligible amount of arrears of family pension is paid within three months from the date of passing of that order, apart from family pension for future months on the due dates; and

(vi) there shall be no order as to costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

kv

To

1. The Accountant General,
O/o. The Principal Accountant General,
(Accounts and Entitlements) Tamil Nadu,
361, Anna Salai,
Chennai - 600 018.
2. The Director of Town and Country Planning,
No.807, Anna Salai,
Chennai - 600 002.



3. The Member Secretary,
Vellore Local Planning Authority,
Department of Town and Country Planning,
Sathuvachari, Vellore District - 632 009.

WEB COPY

+1cc to Mr.P.Chinnadurai, Advocate, S.R.No.13876

+1cc to M/s.S.Kanmani, Advocate, S.R.No.13950

+1cc to M/s.J.Sreevidhya, Advocate, S.R.No.14025

+1cc to the Government Pleader, S.R.No.14127

W.P.No.7987 of 2017

VG-II(CO)
RLP(18/05/2022)