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W.P.No.31477 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.31477 of 2022 and WMP No.30939 of 2022

V.Divya

... Petitioner

Versus

1. The Director,
Directorate of Internal Audit, Treasury,
4th Floor, Nandanam,
Chennai-600 035.
2. The District Tahsildar,
Tiruvallur District.
Tiruvallur - 602 001.
3. The Joint Block Development Officer,
Poonamallee, Chennai-600 056.
4. The Commissioner,
Poonamallee Panchayat Union,
Tiruvallur District

.... Respondents

Prayer:-Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Mandamus directing the 4th respondent to consider the petitioner's representation dated 20.01.2021 for seeking to pay the family pension to the petitioner.



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For Petitioner : Mr.R.Karunagaran

For Respondents : Mr.V.Ravi

Spl.G.P

For R.1

Mr.K.Suresh

Govt.Advocate

For R.2 to R.4

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the 4th respondent to pass final orders on the petitioner's representation dated 20.01.2021 seeking for family pension within a time frame to be fixed by this Court.

2. The petitioner claims to be an adopted daughter of V.Venkatesan. According to the petitioner, her biological parents died in the year 2005 due to a road accident. The petitioner's contention is that her adopted parents made compensation claim before the Motor Accidents Claims Tribunal for the death of her biological parents. In Lok Adalat Case No.434 of 2018 dated 14.07.2018, an Award came to be passed in MCOP No.677 of 2005, wherein also, the petitioner claims that she has been disclosed as the adoptive daughter of V.Venkatesan. According to the petitioner, her adoptive father V.Venkatesan was working as Office Assistant and was in public service. Therefore, according to



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the petitioner, as an adoptive daughter, she is entitled for family pension. She also contends that her brother and sister have also given consent in her favour to get family pension for late V.Venkatesan, her adoptive father. The petitioner has given a representation on 20.01.2021 seeking family pension. Since the representation has not been considered till date, the petitioner has filed this writ petition.

3. Heard Mr.R.Karunagaran, learned counsel for the petitioner, Mr.V.Ravi, learned Special Government Pleader accepts notice on behalf of the first respondent and Mr.K.Suresh, learned Government Advocate accepts notice on behalf of the respondents 2 to 4. By consent of both the parties, the main writ petition has been taken up for final disposal.

4. The learned Special Government Pleader appearing for the first respondent submits that no proof has been filed along with this writ petition to show that the petitioner is the adoptive daughter of late V.Venkatesan.

5. However, the same is disputed by the petitioner, who would submit that as seen from the Lok Adalat Award, it is clear that the petitioner is the adoptive daughter of late V.Venkatesan.



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6. This Court is of the considered view that no prejudice would be caused to the respondents if the petitioner's representation is considered on merits and in accordance with law, within a time frame to be fixed by this Court.

7. For the foregoing reasons, this Court directs the fourth respondent to pass final orders on merits and in accordance with law on the petitioner's representation dated 20.01.2021, seeking for family pension on account of late V.Venkatesan, within a period of twelve weeks from the date of receipt of a copy of this order.

With the aforesaid direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

25.11.2022

sr
Index: Yes/No
Speaking Order/Non-Speaking Order

To

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2. The District Tahsildar,
Tiruvallur District.
Tiruvallur - 602 001.

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ABDUL QUDDHOSE,J.

SR

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