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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2022

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

W.P. No. 16940 of 2017

G.Gunalakshmi

...Petitioner

-vs-

1.The Director,
Local Fund Audit
(Municipal Pension)
Kuralagam, Chennai.

2.The Commissioner
Tiruppur Municipality

...Respondents

Prayer:- Writ Petitions filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the respondents to disburse the pensionary benefits belonging in the name of the Pension Pass Book Ko. Aa. En 21307 M in favour the nominee given thereunder.

For Petitioner : Mr. V.Raghavachari

For Respondents : Mr. D.Gopal
Government Advocate (For R1)

No appearance (For R2)

O R D E R

Heard Mr. V.Raghavachari, Learned Counsel for the Petitioner and Mr. D.Gopal, Learned Government Advocate appearing for the First Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner has filed this Writ Petition for directing the Respondents to disburse the pensionary benefits due to her.

3. The husband of the Petitioner, viz., O.L.Govindaraj, who retired from service of the Second Respondent on 31.10.2004 was receiving monthly till his death on 02.01.2016. The First Respondent, who received the proposals directly from the



Petitioner for family pension on 30.08.2016, noticed certain defects during scrutiny and returned the same on 18.09.2016 requiring the following documents to be produced:-

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- (a) The Death Certificate of the husband of the Petitioner (original).
 - (b) Legal Heirs Certificate (Original).
 - (c) P.P.O. Book (Original) supplied to the husband of the Petitioner.
 - (d) Form 14 for sanction of Family Pension duly authorized by the Commissioner, Tiruppur Municipality.
 - (e) Specimen Signatures of the Petitioner duly certified by the Commissioner, Tiruppur Municipality.
 - (f) Non-Remarriage Certificate duly certified by the Commissioner, Tiruppur Municipality.
 - (g) Passport size photos signed by the Petitioner duly certified by the Commissioner, Tiruppur Municipality.
 - (h) Non-employment Certificate duly certified by the Commissioner, Tiruppur Municipality.
 - (i) Non-drawal of the pension duly certified by the Commissioner, Tiruppur Municipality.
 - (j) Bank introduction letter obtained from the Bank Manager with Account Number in her name with photo in any one of the Nationalized Banks such as Indian Bank, Canara Bank, State Bank of India and Indian Overseas Bank.

Learned Counsel for the Petitioner states that the aforesaid requirements would be submitted by the Petitioner by 30.04.2022 to the concerned authorities.

4. Having regard to the aforesaid submissions made, this Court without expressing any view on the correctness or entitlement of the claim made by the Petitioner, passes the following order:-

- (i) if the Petitioner submits the said requirements, it shall be incumbent upon the concerned authority to immediately examine the claim made by the Petitioner;
- (ii) in the event of not being satisfied with the compliance of those requirements thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner to explain her position in that regard and a reasoned orders shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated under written acknowledgment;
- (iii) if the Petitioner is found entitled to the claim made, the eligible amount of arrears of pensionary benefits shall be disbursed within a period of 30 days from the date of passing of that order, apart from family pension on the due dates for future months; and
- (iv) the report in that regard shall be filed before the Registrar (Judicial) of this Court.



In the result, the Writ Petition is disposed on the aforesaid terms. No costs.

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//True Copy//

Sd/-

Assistant Registrar (CS-IV)

Sub Assistant Registrar

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To

- 1.The Director,
Local Fund Audit,
(Municipal Pension),
Kuralagam,
Chennai.
- 2.The Commissioner,
Tiruppur Municipality.

Copy to

The Registrar (Judicial),
Madras High Court,
Chennai - 600 104.

+1cc to Mr.V.Raghavachari, Advocate SR. No.18654
+1cc to Government Pleader SR. No.18813

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PL (CO)
PR (13/04/2022)