



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2022

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

W.P. No. 17596 of 2017

Santha @ Santhamma

... Petitioner

-vs-

1. The District Educational Officer,
Hosur Education District,
Hosur-635 109.
Krishnagiri District.

2. The Assistant Elementary Educational Officer,
Hosur-635 109.
Krishnagiri District.

3. The Accountant General (A&E),
No.261, Anna Salai,
Theynampet,
Chennai-600 018.

... Respondents

Prayer:- Writ Petitions filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Second Respondent to forward the Petitioner name viz., Mrs. Santha @ Santhamma, wife of Late M.Ramappa to the Third Respondent for inclusion as spouse of her husband viz., Late M.Ramappa in the Pension Pay Order No. C412991/EDP for granting family pension based on the application dated 24.04.2017, consequently, direct the Third Respondent to pay the family pension and other pensionary benefits that are due to her husband forthwith.

For Petitioner : Mr. M.R.Jothimanian

For Respondents: Mr. Stalin Abhimanyu
Additional Government Pleader
(Education)
(For R1 & R2)

Mrs. T.S.Selvarani (For R3)



O R D E R

Heard Mr. M.R.Jothimanian, Learned Counsel for the Petitioner, Mr. Stalin Abhimanyu, Learned Additional Government Pleader for the First and Second Respondents and Mrs. T.S.Selvarani, Learned Counsel for the Third Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. According to the Petitioner, her husband, viz., M.Ramappa, had retired from service on 31.10.2005 and was receiving pension till 31.07.2011 when he died. Since no action had been taken on the application dated 24.04.2017 made by the Petitioner for granting family pension thereafter to her, this Writ Petition has been filed for directing the First Respondent to forward the name of the Petitioner for inclusion as spouse of the said M.Ramappa, in the Pension Pay Order No. C412991/EDP for granting family pension to her.

3. Learned Additional Government Pleader appearing for the First and Second Respondents referring to the Counter-Affidavit dated 01.08.2017 filed by the Second Respondent, contends that during the lifetime of the said M.Ramappa, representation had been made to include the name of the Petitioner as his wife, but despite intimations requiring production of proof of their marriage and Death Certificate of Munirathnamma, whose name had been earlier entered as the wife of the said M.Ramappa in his service records, the same have not been furnished, meaning thereby that it would not be possible to accept the claim of the Petitioner for inclusion of her name as the wife of the said M.Ramappa for sanctioning family pension claimed by her. In such circumstances, Learned Counsel for the Petitioner states that the Petitioner would immediately produce the aforesaid requirements to the concerned authority so that further action could be taken in accordance with law.

4. Having regard to the aforesaid submissions made by Learned Counsel for both sides, the Writ Petition is disposed on the following terms:-

- (i) if the Petitioner submits proof of marriage of the Petitioner with the said M.Ramappa and the Death Certificate of Munirathnamma, it shall be incumbent upon the concerned authority to examine the claim of the Petitioner for inclusion of her name as the wife of the said M.Ramappa so as to enable her to receive family pension from the time of his death;
- (ii) if the Petitioner has not produced required details or supporting documents satisfying the eligibility criteria for



the benefits claimed, the deficiencies in that regard shall be informed in writing to her requiring the same to be furnished within a time frame of not less than 15 clear working days;

- (iii) 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;
- (iv) 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 30 days 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

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To

1. The District Educational Officer,
Hosur Education District,
Hosur-635 109.
Krishnagiri District.
2. The Assistant Elementary Educational Officer,
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Krishnagiri District.
3. The Accountant General (A&E),
No. 261, Anna Salai,
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+1cc to Mr.M.R.Jothimanian, Advocate, S.R.No.14259
W.P. No. 17596 of 2017

SSN(CO)
KM(19/05/2022)