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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2022

CORAM

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

W.P. No. 17661 of 2017

Muniamma

... Petitioner

-vs-

1. The District Collector,
Krishnagiri District,
Krishnagiri.
2. The Sub-Collector/Revenue Divisional Officer,
Hosur,
Krishnagiri District.
3. The Tashildar,
Hosur Taluk,
Hosur,
Krishnagiri District.
4. The Accountant General (A&E),
No.261, Anna Salai,
Theyampet,
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 Third Respondent to forward the Petitioner name viz., Mrs.Muniamma, wife of Late N.C.Velayutham to the Fourth Respondent for inclusion as spouse of her husband viz., Late N.C.Velayutham in the Pension Pay Order No. C200358/REV for granting family pension based on the applications dated 02.09.2016 and 15.05.2017 respectively, consequently, direct the Fourth 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: Mrs. C.Sangamithirai
Special Government Pleader
(For R1 to R3)

Mrs. T.S.Selvarani (For R4)



O R D E R

Heard Mr. M.R.Jothimanian, Learned Counsel for the Petitioner, Mrs. C.Sangamithirai, Learned Special Government Pleader for the First to Third Respondents, Mrs. T.S.Selvarani, Learned Counsel for the Fourth 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 N.C.Velayutham, who was receiving pension on his retirement from service on 30.06.2002, and after his death on 02.04.2016, she had made representations dated 02.09.2016 and 15.05.2017 seeking payment of family pension to her. Since no action has been taken on those representations, the Petitioner has filed this Writ Petition for directing the Third Respondent to forward the name of the Petitioner to the Fourth Respondent for inclusion as spouse of her husband in the Pension Pay Order No. C200358/REV for granting family pension and to consequently direct the Fourth Respondent to pay her family pension and other pensionary benefits that are due to her husband forthwith.

3. The Third Respondent has filed Counter-Affidavit dated 13.11.2017 stating that in the service register of the said N.C.Velayutham, the name of one Palpelee has been entered as his wife and that she had expired and there were no other legal heirs. It has also been brought to notice that the name of the Petitioner, who claims to be the wife of the said N.C.Velayutham, does not find place in the records and as such, she is not eligible for family pension as claimed by her.

4. In view of the aforesaid rival contentions of the parties, the actual question that arises for determination is whether the said N.C.Velayutham had married the Petitioner after his retirement and the death of the said Palpelee, and it is incumbent upon the Petitioner to produce satisfactory evidence in that regard.

5. In such circumstances, the Writ Petition is disposed on the following terms:-

- (i) the Petitioner may make fresh representation along with supporting documents to establish the marriage of the Petitioner with the said N.C.Velayutham after his retirement from service and the death of the said Palpelee;
- (ii) if such application is made, the concerned authority shall immediately consider the claim made by the Petitioner for family pension in that regard;



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- (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

gd

To

1. The District Collector,
Krishnagiri District,
Krishnagiri.
2. The Sub-Collector/Revenue Divisional Officer,
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3. The Tashildar,
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Hosur,
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4. The Accountant General (A&E),
No.261, Anna Salai,
Theynampet,
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+1cc to Mr.M.R.Jothimanian, Advocate, S.R.No.14258

+1cc to the Government Pleader, S.R.No.14128

W.P. No. 17661 of 2017

KM(19/05/2022)