



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.03.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No. 3927 of 2022

E.Kamal Batcha

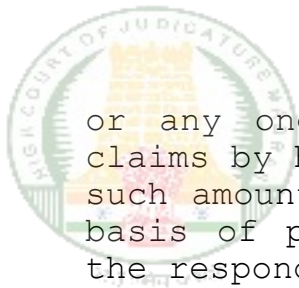
... Petitioner

Vs.

1. The Pension Pay Officer,
Amma Complex, Ground Floor,
Veterinary Hospital Campus,
No.571, Anna Salai, Nandhanam,
Chennai.
2. The Director of Pension,
Amma Complex Ground Floor,
Veterinary Hospital Campus,
No.571, Anna Salai, Nandhanam,
Chennai.
3. The Joint Director,
Office of the Director of Pension,
Finance Department Building Complex,
3rd Floor, No.571, Anna Salai, Nandhanam,
Chennai.
4. The District Treasury Officer,
Office of the District Treasury,
106, Meetupatti, Anguvilas Road,
Dindigul - 624 002,
Dindigul District.
5. The Assistant Treasury Officer,
Office of the Assistant Treasury,
Nilakottai Taluk Office Compound,
Nilakottai - 624 208,
Dindigul District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the first to fifth respondents not to grant family pension which is being paid to the petitioner vide petitioner's pension No.PPO.No.(601961/EDG), Pension No.5527, after his death to Rabia D/o.Abdul Muttalipu herein



or any one claiming through her on the basis of any fictitious claims by her claiming to the petitioner's 2nd wife or otherwise and such amount can be continued in the Government treasury only on the basis of petitioner's representation dated 31.01.2022 addressed to the respondents herein.

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For Petitioner : Mr.M.Karuppasamy Pandian

For Respondents: Mr.D.Sadiq Raja
Additional Government Pleader

O R D E R

The relief sought for in the present Writ Petition is to direct the first to fifth respondents not to grant family pension to one Rabia, who is the second wife of the petitioner.

2. Such a prayer sought for is absolutely misconceived and observed. Such a negative prayer cannot be considered as family pension is regulated under the provisions of the Tamil Nadu Pension Rules, 1978.

3. However, the learned Additional Government Pleader, on instructions from the Department made a submission that, the name of the said Rabia has not been nominated by the petitioner and her name so long has not available in the records. Therefore, the petitioner cannot be construed as an aggrieved person. Hence, the prayer as such sought for in the present Writ Petition cannot be granted. However, the learned counsel for the petitioner at this juncture made a request for the withdrawal of the Writ Petition.

4. Thus, the Writ Petition is dismissed as withdrawn. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS-I)

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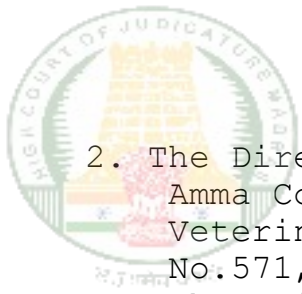
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Sub Assistant Registrar(CS)

vji

To

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No.571, Anna Salai, Nandhanam,
Chennai.



2. The Director of Pension,
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+1 CC to M/s.SPL GP (SR-11140[F] dated 10/03/2022)

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SP(CO)
TR(31.03.2022) 3P 7C