



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.06.2022

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.5061 of 2021

M.Kaleeswari

... Petitioner

Vs.

1.The Commissioner of Social Welfare
and Nutritious Meal Programme Department,
Secretariat, Chennai - 600 009.

2.The Principal Accountant General,
Tamil Nadu,
Teynampet, Chennai - 600 018.

3.The Director of Social Welfare
and Nutritious Meal Programme Department,
No.1, Panagal Mazhigai,
Saidapet, Chennai - 600 015.

4.The Programme Officer,
District Cell,
Integrated Child Development Scheme,
Pudukottai - 622 001,
Pudukottai District.

5.The Child Welfare Officer,
Avudaiyarkovil, Pudukottai District.

6.M.Pappathi

... Respondents

(R6 impleaded vide Court order dated 19.03.2021 in W.M.P. (MD).
No.4563 of 2021 in WP(MD)No.5061 of 2021)

PRAYER : Writ petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus to direct the respondents 2 to 5 to consider the representation of the petitioner, dated 15.02.2021, for the purpose of authorization of 50% of Family Pension, within a period that may be stipulated by this Court.

For Petitioner : Mr.K.Ponnaiah for
M/s.Ajmal Associates

For Respondents : Mr.R.Ragavendran for R1, R3 to R5
Government Advocate

Mr.P.Gunasekaran, for R2
Standing Counsel
No Appearance for R6



O R D E R

The petitioner herein, who is the daughter of the second wife and her father K.Manoharan, claims family pension. The second wife of the late Government Employee has been arrayed as sixth respondent in the present case.

2. It is stated by the learned Standing Counsel for the second respondent herein that both the petitioner as well as the sixth respondent are equally entitled for the family pension of the late employee and that the sixth respondent herein is already receiving 50% of the family pension. It is his further submission that the petitioner herein had not made any application seeking her share of family pension.

3. The learned counsel for the petitioner submits that the petitioner would make an application to the respondents in this regard.

4. In the light of the submissions made, the petitioner is granted liberty to make an application to the fourth respondent herein, seeking 50% of the family pension of Late K.Manoharan and on receipt of the same, the fourth respondent herein forthwith forward the proposal to the second respondent, atleast, within a period of four weeks from the date of receipt of the petitioner's application. The second respondent herein on receipt of the proposal from the fourth respondent, shall pass appropriate orders sanctioning 50% of the family pension of late K.Manoharan, in favour of the petitioner herein, within a period of four weeks from the date of receipt of such proposal from the fourth respondent.

5. This writ petition is ordered accordingly. No costs.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)

TM

To

1.The Commissioner of Social Welfare
and Nutritious Meal Programme Department,
Secretariat, Chennai - 600 009.



2.The Principal Accountant General,
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Chennai - 600 018.

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Pudukottai District.

5.The Child Welfare Officer,
Avudaiyarkovil,
Pudukottai District.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-26204[F] dated
16/06/2022)

+1 CC to M/s.SPL.GP (SR-26558[F] dated 17/06/2022)

W.P. (MD) No.5061 of 2021
16.06.2022

RD(24.06.2022) 3P 8C