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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED:18.04.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

**W.P.(MD)No.5670 of 2022**

A.Janakabai @ Janaki ... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Revenue Divisional Officer,
Tenkasi Division,
Tenkasi,
Tirunelveli District.

3.The Tahsildar,
Veerakeralampudur,
Tirunelveli District. ... Respondents

**PRAYER**: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent ie., the District Collector, Tirunelveli to send the petitioner's family pension proposals based on the death certificate of her husband Late.Thiru.B.Anandakrishnan and legal heirship certificate issue by the Tahsildar, Sholanganallur, to the Accountant General, chennai, within a specified time frame.

For Petitioner : Mr.S.Visvalingam

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

**ORDER**

The relief sought for in the present writ petition is to direct the first respondent viz., the District Collector, Tirunelveli, to send the petitioner's family pension proposal based on the death certificate of her husband Late.Thiru.B.Anandakrishnan and legal heirship certificate issued by the Tahsildar, Sholanganallur, to the Accountant General, Chennai.

2.The petitioner states that her husband viz., Thiru.B.Anandakrishnan, was working as Tahsildar in Veerakeralampudur Taluk, Tirunelveli District, and allowed to retire from service on 31.10.2000. He was getting his pension regularly and he died on 14.11.2016. The death certificate issued by the Registrar of Birth and Deaths, Palghat Municipality, Kerala State, were

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produced before the first respondent for submission of family pension proposal to the Accountant General of Tamil Nadu, for grant of family pension.

3.The grievance of the writ petitioner is that the proposal itself has not been sent to the Accountant General of Tamil Nadu, despite the fact that the husband of the writ petitioner died on 14.11.2016.

4.The learned Additional Government Pleader appearing for the respondents made a submission that the District Collector, Tirunelveli, has already initiated the action and the proposals are prepared and the same will be sent to the Accountant General of Tamil Nadu through proper channel. Therefore, actions will be taken as expeditiously as possible.

5.This Court is of the considered opinion that the husband of the writ petitioner retired on 31.10.2000 and died on 14.11.2016, the petitioner is unable to get family pension for the past about six years, despite the fact that she has submitted representation to the authorities competent. In the absence of any counter claim for family pension, the documents produced by the writ petitioner is to be acted upon by the competent authorities. The petitioner has already produced the death certificate and Legal Heirs Certificate along with all necessary particulars and therefore, there is no reason whatsoever to delay the settlement of family pension by sending family pension proposal to the Accountant General of Tamil Nadu. The long delay in sending the proposal, in the present case, is most unfortunate and the authorities competent shall not delay in such matters relating to the claim of family pension which is the livelihood of the spouse of the deceased employee/pensioner.

6.The learned counsel for the petitioner drew the attention of this Court with reference to the proceedings of the District Collector, Tirunelveli, dated 08.05.2018 wherein it is stated that actions are initiated for sending report to the Revenue Divisional Officer, Tenkasi. Despite the fact that the actions were taken long back in the year 2018, till today the family pension has not been settled. Undue delay on the part of the respondents are certainly cannot be appreciated. Especially, in the matter of settlement of family pension, the authorities are expected to initiate actions within a reasonable period of time, considering the fact that it is the livelihood of the family pensioner or otherwise.

7.Considering the facts and circumstances, the respondents are directed to send the petitioner's family pension proposal to the Accountant General of Tamil Nadu, within a period of eight weeks from the date of receipt of a copy of this order and the Accountant General of Tamil Nadu on receipt of the said proposal, scrutinise the same and if the petitioner is otherwise eligible, settle the family pension, arrears of pension and all other benefits, as

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expeditiously as possible. Accordingly, this Writ Petition stands allowed. No costs.

Sd/-

Assistant Registrar (W)

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Sub Assistant Registrar(CS)

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To

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Revenue Divisional Officer,
Tenkasi Division,
Tenkasi,
Tirunelveli District.

3.The Tahsildar,
Veerakeralampudur,
Tirunelveli District.

4.The Accountant General of Tamil Nadu,
Tenampet,
Chennai-6.

+1 CC to M/s.S. VISVALINGAM, Advocate ( SR-19079[F] dated 18/04/2022 )
+1 CC to M/s.SPL.GP ( SR-19351[F] dated 19/04/2022 )

W.P.(MD)No.5670 of 2022
18.04.2022

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