



WP(MD)No.14819 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.(MD)No.14819 of 2022

Kavitha

... Petitioner

Vs.

The Chief Engineer,
Public Works Department,
W.R.O,
Tiruchirappalli.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to disburse the family pension of the petitioner's late husband namely, Arumugam to the petitioner in pursuance of petitioner's representation dated 14.03.2022.



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For Petitioner : Mr.K.Karuppaiya Mooppanar
For Respondent : Mrs.D.Farjana Ghousia,
Special Government Pleader

ORDER

This writ petition has been filed seeking a writ of Mandamus to direct the respondent to disburse the family pension of the petitioner's late husband namely, Arumugam, to the petitioner in pursuance of the petitioner's representation, dated 14.03.2022.

2. The learned counsel for the petitioner submitted that the petitioner's husband served as Head Draughtsman and retired from service on attaining the age of superannuation on 31.05.2011. Thereafter, he was paid with the pension. The petitioner and her husband were living with the pension amount. On 27.04.2018, her husband died on illness. Her husband had developed intimacy with one Rajeshwari and has two daughters through her. After the death of her husband, she submitted an application for family pension to the Chief Engineer, Public



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Works Department, Trichy. A communication in letter No.C4/3988/2022, dated 22.04.2022 was sent for producing the necessary legal heirship certificate. Accordingly, she obtained legal heirship certificate and produced before the respondent. Despite that family pension was not paid to her, necessitating the filing of this writ petition.

3. Mrs.D.Farjana Ghousia, learned Special Government Pleader takes notice for the respondent. It is submitted by the learned Special Government Pleader for the respondent that even as per the case of the petitioner, her husband had affair with one Rajeshwari and had two daughters through her. Therefore, the petitioner's claim cannot be entertained.

4. Considered the submissions and perused the materials available on record.

5. As per the legal heirship certificate issued by the Tahsildar, the petitioner is shown as the wife of the deceased Arumugam along with her two sons and one daughter. The records produced by the



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petitioner shows that the petitioner sent a representation, dated 05.04.2022 for granting family pension.

6. Considering the facts and circumstances of the case, this Court directs the respondent to consider the petitioner's representation, dated 05.04.2022, with regard to the claim of family pension and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, this writ petition is disposed of.

No costs.

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Index : Yes / No
Internet : Yes / No
RM



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To

The Chief Engineer,
Public Works Department,
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G.CHANDRASEKHARAN, J.

RM

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