



W.P.(MD)Nos.15757 & 20025 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2022

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THE HON'BLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)Nos.15757 & 20025 of 2018

W.P.(MD)No.15757 of 2018

Smt.Balammal

... Petitioner

Vs.

1. The Accountant General (A&E),
Office of the Accountant General (A&E),
No.361, Anna Salai, Teynampet,
Chennai – 18.

2. The Principal,
Government College of Engineering,
Tirunelveli – 627 007.

3. Sundari @ Gnana Sundari

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Order in No. AG(A&E)/Pension 27/3/12720606/misc dated 18.04.2018 passed by the First Respondent,



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quash the same and direct the First Respondent to grant family pension to the Petitioner and all other benefits on the death of her husband.

For Petitioner : M/S.M.Maria Vinola
For R1 : Mr.P.Gunasekaran
Accountant General Standing Counsel
For R2 : Mr.D.Sadiq Raja,
Additional Government Pleader
For R3 : Mr.J.Pinaygash

W.P.(MD)No.20025 of 2018

1. Smt.Balammal
2. S.Sri Prabu
3. Sri Vanitha ... Petitioners
***(P3 is impleaded vide Court order dated 06.09.2021 in
W.M.P.(MD)No.12859 of 2021)***

Vs.

1. The Principal,
Government College of Engineering,
Tirunelveli – 627 007.
2. Sundari @ Gnana Sundari ... Respondents
***(R2 is impleaded, vide Court Order, dated 24.09.2018 in
W.M.P.(MD)No.18010 of 2018)***



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Order No.2403 /E/3/2018 dated 09.07.2018 passed by the Respondent, quash the same and direct the Respondent to consider the application of the Petitioner dated 02.07.2018 for compassionate appointment for the second petitioner in the Respondent College.

For Petitioner : M/S.M.Maria Vinola

For R1 : Mr.D.Sadiq Raja,
Additional Government Pleader

For R2 : Mr.J.Pinaygash

COMMON ORDER

The writ petition in W.P.(MD)No.15757 of 2018 is filed for Writ of Certiorarified Mandamus, to call for the records pertaining to the Order in No. AG(A&E)/Pension 27/3/12720606/misc dated 18.04.2018 passed by the First Respondent, quash the same and direct the First Respondent to grant family pension to the Petitioner and all other benefits on the death of her husband.



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2. The writ petition in W.P.(MD)No.20025 of 2018 is filed for Writ of Certiorarified Mandamus, to call for the records pertaining to the Order No.2403 /E/3/2018 dated 09.07.2018 passed by the Respondent, quash the same and direct the Respondent to consider the application of the Petitioner dated 02.07.2018 for compassionate appointment for the second petitioner in the Respondent College.

3. The writ petitioner in W.P.(MD)No.15757 of 2018 is the second wife of the deceased employee, namely, Mr.S.Samuel. The third respondent is the first wife of the deceased employee.

4. Pending writ petition, the writ petitioner and the third respondent have entered into settlement, whereby, the parties have agreed that take half of the terminal benefits each. In other words, the first wife is entitled to 50% of the terminal benefits and the second wife is entitled to 50% of the terminal benefits. The third respondent has also agreed to disburse the pensionary benefits to the second wife i.e., the writ



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petitioner.

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5. This arrangement / settlement is accepted by both the parties.

Therefore, the first respondent shall disburse the terminal benefits and the pensionary benefits to the third respondent, who is the first wife of the deceased employee. After disbursing the amount, if the third respondent is inclined to grant 50% of the terminal benefits based on the settlement with the writ petitioner, the parties are at liberty to do so.

6. Therefore, this Court is directing the respondents No.1 and 2 to disburse the terminal and pensionary benefits to the third respondent and the said exercise shall be completed within a period of four weeks from the date of receipt of the copy of the order.

7. The learned Counsel appearing for the parties submitted that the petitioner has submitted application to grant compassionate appointment. The challenge in this writ petition is the order passed by the Accountant General and granting compassionate appointment is not within the



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purview of the first respondent, the Accountant General. If the third respondent had submitted any application within three years, the second respondent shall process the application as per law. Likewise if the 2nd and 3rd writ petitioners in W.P.(MD)No.20025 of 2018, who are children of second wife, had submitted any application within three years, then the respondents shall consider the same in accordance to law. Therefore this Court is directing the respondents to consider the application for compassionate appointment in accordance to law within a period of four (4) weeks from the date of receipt of a copy of this order.

8. With the above said direction, both the writ petitions are disposed of. No costs.

09.12.2022

Index : Yes / No
Internet : Yes / No
jbr



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To

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Chennai – 18.

2. The Principal,
Government College of Engineering,
Tirunelveli – 627 007.



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S.SRIMATHY, J

jbr

Order made in
W.P.(MD)Nos.15757 & 20025 of 2018

09.12.2022