



WEB COPY



W.P.No.7484 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.7484 of 2023 and
W.M.P. No.7571 of 2023

Esubbu Nachiyar

... Petitioner

Vs

- 1.The State of Tamil Nadu,
rep. by its Principal Secretary to Government,
Department of Rural Development and
Panchayat Raj,
Fort St. George,
Chennai – 600 009.
- 2.The Accountant General (A&E) of Tamil Nadu,
No.361, Anna Salai,
Teynampet,
Chennai – 600 018.
- 3.The District Collector,
Ramanathapuram District Collector's Office,
(Development Division),
Ramanathapuram District.

4.Ayisha Beevi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the second respondent to



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grant family pension and other terminal benefits to the petitioner, who is the widow of the deceased, as per Rule 49(6)(i) and 49(13)(b)(iii) of the Tamil Nadu Pension Rules, without insisting the no objection certificates from the fourth respondent as indicated by the third respondent order in Na.Ka.No.29026/2021 dated 07.10.2022.

For Petitioner : Mr.P.Ganesan

For Respondents : Mr.P.Baladhandayutham,
Special Government Pleader
for R1 and 3

Mr.S.Balaji for R2

Mr.D.Palaniswamy for R4

ORDER

Heard Mr.P.Ganesan, learned counsel for the petitioner, Mr.P.Baladhandayutham, learned Special Government Pleader for respondents 1 and 3, Mr.S.Balaji, learned counsel for the second respondent and Mr.D.Palaniswamy, learned counsel for the fourth respondent.

2.The limited prayer sought for in the present writ petition is for a direction to the second respondent to grant family pension and other terminal benefits to the petitioner, who is the widow of the deceased



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Employee under the Block Development Officer in the first respondent Department.

3.The petitioner's husband had died owing to Covid-19 virus.

4.When the matter was called, it is brought to the notice of this Court that the third respondent had already sent a proposal to the second respondent and the same is pending there.

5.The fourth respondent herein is the employee's mother. While the widow is alive, the mother of the employee may not be entitled for pension or other terminal benefits.

6.Thus, the claim of the petitioner, for which a proposal has already been sent, requires to be considered by the second respondent, within a stipulated time.

7.Accordingly, there shall be a direction to the second respondent to process the proposal sent by the second respondent dated 15.06.2023,



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within a period of eight weeks from the date of receipt of a copy of this order.

8.It is open to the fourth respondent to work out her remedy to claim any benefit that she may be legally entitled to.

9.With the above observation and direction, the writ petition stands disposed of. Consequently, connected W.M.P. stands closed. No costs.

20.06.2023

Index:Yes/No
Speaking order/Non-speaking order
vga



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M.S.RAMESH,J.

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