



W.P.No.18397 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2023

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.18397 of 2020 and
W.M.P.No.22787 of 2020

Smt.Dhanam

... Petitioner

Vs.

1.Senior Accounts Officer,
Pension 33, O/o.Accountant General,
(Accounts & Entitlements),
361, Anna Salai, Teynampet,
Chennai 600 018.

2.The Treasury Officer,
Villupuram District.

3.The Superintendent of Police,
Cuddalore District.

4.The Additional Superintendent of
Police (Head Quarters),
Cuddalore District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the respondents to grant full family pension to the petitioner from the date of her entitlement, by considering her representation dated 22.11.2019, made to the first and third respondents, in accordance with law on merits.



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For Petitioner : Mr.K.Shakespeare
For Respondents : Ms.T.Selvarani for R1
Mr.T.Arunkumar, GA for R2 to R4

ORDER

This Writ Petition has been filed seeking issuance of Writ of Mandamus to direct the respondents to grant full family pension to the petitioner from the date of her entitlement, by considering her representation dated 22.11.2019, made to the first and third respondents, in accordance with law on merits.

2. Heard Mr.K.Shakespeare, learned counsel for the petitioner and Ms.T.Selvarani, learned Standing Counsel for R1 and Mr.T.Arunkumar, learned Government Advocate for R2 to R4.

3. The petitioner being the second wife of the deceased employee, was drawing 50% of Family Pension of late husband Ellappan pursuant to the order dated 07.12.1973 issued by the third respondent. The remaining 50% was issued to the minor children of the deceased Ellappan through his first wife. So far as the remaining 50% is



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concerned, the share of pension will be stopped once each child becomes major. The claim of the petitioner is that all the three children has already become major and now she is entitled to get full family pension. Since her representation has not been considered by the respondents, she has filed this Writ Petition with the above prayer.

4. The learned Government Advocate appearing for the respondents 2 to 4 submitted that if necessary sanction order is issued by the competent authority (i.e) the respondents 1 & 3 for payment of full family pension to the petitioner and the second respondent could pass appropriate orders on merits granting full family pension to the petitioner in accordance with Rule 49(7) (c) of the Tamil Nadu Pension Rules.

5. However, the learned Standing Counsel for the first respondent submitted that unless the materials are given to the first respondent that all the children of the first wife of Ellappan had attained majority, no sanction order can be issued as claimed by the petitioner.



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6. It is submitted by the learned counsel for the petitioner that all the necessary certificates have been produced to the Department and the petitioner cannot have any direct communication with the first respondent and the petitioner can only submit the relevant documents to the third respondent and that will be forwarded to the second respondent, in turn, the second respondent has to submit the same to the first respondent.

7. However, the learned Government Advocate submitted that the said documents have already been forwarded to the first respondent and the matter lies in the table of the first respondent.

8. In that case, the second respondent shall send a copy of the above documents to the first respondent once again within a period of two weeks and on receipt of the same, the first respondent shall consider and issue necessary sanction orders to the petitioner within a period of four weeks.



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9. In the result, this Writ Petition is allowed. The second respondent is directed to send a copy of the above documents to the first respondent once again within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the first respondent shall consider and issue necessary sanction orders to the petitioner within a period of four weeks thereafter. Consequently, connected miscellaneous petition is closed. No costs.

12.10.2023

Index : Yes

Internet : Yes/No

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R.N.MANJULA, J.

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To

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