



W.P.(MD).No.16220 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.07.2023

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.16220 of 2023

R.Muthulakshmi

... Petitioner

Vs.

1.The Principal Accountant General A & E Tamil Nadu,
No.361, Anna Salai,
Chennai – 600 018.

2.The Joint Director of Agriculture,
O/o. The Joint Director of Agriculture,
Tenkasi District – 627 811.

3.The Assistant Director of Agriculture,
Sankarankovil,
Tenkasi District – 627 756.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 2 and 3 to approve and forward the family pension proposal submitted by the petitioner on 01.01.2023 and 11.03.2023 respectively in relation to the payment pension order of the petitioner's late father and mother in PPO.No.A112752 for the petitioner as a widowed daughter and to direct the first respondent to immediately disburse the arrears of pension due to the petitioner and to pay pension as per law to the petitioner on receipt of the approval from the second respondent



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within the time limit fixed by this Court.

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For Petitioner	: Mr.S.Loganathan
For R – 1	: M/s.S.Mahalakshmi Standing Counsel
For RR 2 & 3	: Mr.M.Prakash Additional Government Pleader

ORDER

The present Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents 2 and 3 to approve and forward the family pension proposal submitted by the petitioner on 01.01.2023 and 11.03.2023 respectively in relation to the payment pension order of the petitioner's late father and mother in PPO.No.A112752 for the petitioner as a widowed daughter and to direct the first respondent to immediately disburse the arrears of pension due to the petitioner and to pay pension as per law to the petitioner on receipt of the approval from the second respondent within the time limit fixed by this Court.



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2.The petitioner's father K.Nainar Kone was working in the office of the third respondent as a Field Development Officer. On attaining the age of superannuation, he retired on 30.04.1985. The petitioner's father passed away on 28.09.1988. After his demise, the petitioner's mother Ulagammal was receiving family pension until her death on 14.09.2017. The petitioner's husband died on 25.12.1995 and she had been at the mercy of her mother till her death. As a widowed daughter, dependent on her parents after the death of her husband, the petitioner is entitled for family pension in terms of G.O.Ms.No.325 (Finance) Pension Department, dated 28.11.2011. The petitioner applied to the third respondent with relevant documents seeking family pension on 01.01.2023. However, the third respondent refused to forward her application to the second respondent, who is the competent and concerned authority for allowing her application. The petitioner made a fresh application to the second respondent on 11.03.2023 directly. However, there is no response either from the third respondent or the second respondent till date. Though the petitioner is entitled for family pension from 15.09.2017, the respondents are dragging on the matter without considering her application. Hence, this Writ Petition came to be filed.



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3.The learned counsel appearing for the petitioner submitted that after filing of this Writ Petition, on 05.07.2023, the second respondent has forwarded the petitioner's application to the first respondent and the same is pending for adjudication before the first respondent.

4.The learned standing counsel appearing for the first respondent submitted that the proposal sent by the petitioner was received by the first respondent only on 14.07.2023 and they would consider the same within the time frame fixed by this Court.

5.In view of the above, this Court directs the first respondent to consider and dispose of the proposal of the petitioner, which was received by them through the second respondent, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.



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6.With the above direction, this Writ Petition is disposed of.

There shall be no order as to costs.

19.07.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes
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To

- 1.The Principal Accountant General A & E Tamil Nadu,
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- 2.The Joint Director of Agriculture,
O/o. The Joint Director of Agriculture,
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- 3.The Assistant Director of Agriculture,
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L.VICTORIA GOWRI, J.

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