



W.P.(MD).No.20635 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2023

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.20635 of 2021

T.Krishnaveni

... Petitioner

Vs.

1.The Accountant General (A&E),
No.361, Anna Salai,
Teynampet, Chennai-600 018.

2.The District Treasury Officer,
Office of the District Treasury,
Ramanathapuram District.

3.The Sub Treasury Officer,
Sub Treasury Office,
Kamuthi Taluk,
Ramanathapuram District.

4.The Headmaster,
Government High School,
T.Vallakulam, Kamuthi Taluk,
Ramanathapuram District.

5.The District Education Officer,
Paramakudi,
Ramanathapuram District.

... Respondents

(R5 is suo motu impleaded vide Court order, dated 28.07.2023)



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to pay family pension to the petitioner and considering the petitioner's representation, dated 23.08.2021.

For Petitioner : Mr.T.Veerakumar
For R1 : Mr.P.Gunasekaran
Standing Counsel
For R2-R4 : Mr.N.Ramesh Arumugam
Government Advocate

ORDER

The present writ petition has been filed seeking direction to the respondents to pay family pension to the petitioner and considering the petitioner's representation, dated 23.08.2021.

2. The petitioner's husband one Thirugnanam joined as a Lab Assistant in the 4th respondent school on 08.05.1985 and he has rendered 33 years of service up to 31.05.2018. On attaining the age of superannuation, he retired on 31.05.2018. During the period of his service, the said Thirugnanam initially married one Manimegalai, the retired Superintendent in the National Highways Department and the said marriage ended in a customary divorce and such



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divorce was duly registered in the office of the Sub Registrar at Paramakudi.

The said Manimegalai remarried one Murugavel and they are living together.

3. Pursuant to the customary divorce with his 1st wife, the said Thirugnanam married the petitioner on 07.12.1994 as per their family rights and customs. The petitioner and Thirugnanam were blessed with 3 daughters, namely Bhuvaneshwari, Jeyalakshmi and Abirami respectively. All the three daughters are married and they are living separately. After retirement, the petitioner's husband Thirugnanam was drawing his monthly pension from the respondents continuously and he was staying with the petitioner. On 04.02.2021, the petitioner's husband had passed away. During his lifetime, the petitioner's husband had nominated the petitioner and his daughters as his legal heirs in his service book. Hence, after his death, on 23.06.2021 and 23.08.2021, the petitioner caused a detailed representation for payment of monthly family pension to the petitioner enclosing all the necessary documents. Since the said representations was not considered, the present writ petition came to be filed.

4. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondent to



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consider the same on its own merits and pass appropriate orders in one way or other instead of keeping the same pending indefinitely. As such, non-consideration of the representation made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

5. Considering the facts and circumstances of the case, this Court *suo motu* impleads the District Education Officer, Paramakudi, Ramanathapuram District as 5th respondent. The petitioner is directed to make a fresh representation as a rejoinder to the already made representation, dated 23.08.2021 to the 5th respondent seeking family pension. Considering the fact that the petitioner and her daughters were nominated as the legal heirs of the deceased Thirugnanam, the 5th respondent shall consider the representation of the petitioner, dated 23.08.2021 along with the fresh representation and pass appropriate orders and thereafter, forward the same to the 1st respondent for grant of family pension to the petitioner within a period of sixteen (16) weeks from the date of receipt of a fresh representation.



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6. Accordingly, this Writ Petition stands disposed of. No costs.

28.07.2023

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

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L.VICTORIA GOWRI, J.

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