



W.P.(MD).No.19034 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 03.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.19034 of 2023

J.Edwin

...Petitioner

Vs.

1. The Principal Controller of Defense Accounts (Pension)

Draupadi Ghat,
Allahabad,
Utter Pradesh – 211 014.

2. The Record Officer,
OIC Records,
Records, the Madras Regiment,
Pin – 900 458,
C/o. 56 APO.

3. The Superintendent,
Ex-servicemen Welfare Office,
District Sainik Board,
Kanyakumari District,
Nagercoil,
Kanyakumari District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the first respondent to consider the petitioner's representation dated 26.08.2021 in the light of



W.P.(MD).No.19034 of 2023

Communication vide 2312/FP/PG-2, dated 13.09.2021 sent from the second respondent to the first respondent and further direct the first respondent to disburse the family pension of the petitioner's father's employment that accrued to his mother's name.

For Petitioner : Mr.V.Rajiv Rufus
For Respondents : Mr.K.Govindarajan
Deputy Solicitor General of India

ORDER

The present Writ Petition has been filed seeking for issuance of a Writ of Mandamus, to direct the first respondent to consider the petitioner's representation dated 26.08.2021 in the light of Communication vide 2312/FP/PG-2, dated 13.09.2021 sent from the second respondent to the first respondent and further direct the first respondent to disburse the family pension of the petitioner's father's employment that accrued to his mother's name.

2. According to the writ petitioner his father was discharged from Indian Military and he was re-employed in Tamil Nadu State Government. After his retirement from the State Government Service, he passed away on



W.P.(MD).No.19034 of 2023

WEB COPY

22.11.2009. The petitioner further states that during his life time, father was receiving dual pension both from the Indian Military as well as the Tamil Nadu State Government. After the death of his father, his mother was receiving family pension only from the State Government. The writ petitioner's mother passed away on 07.06.2021.

3. After the death of his mother the petitioner had approached the first respondent herein for seeking family pension for the period between 24.09.2012 to 07.06.2021 during the period when his mother was alive.

4. The learned Deputy Solicitor General of India appearing for the respondents would submit that the said application is pending and the same shall be disposed of as expeditiously as possible.

5. In view of the above said facts, the first respondent is directed to pass orders on the basis of the petition submitted by the writ petitioner on 26.08.2021 on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.



W.P.(MD).No.19034 of 2023

WEB COPY

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

There shall be no order as to costs.

03.10.2023

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

To

1. The Principal Controller of Defense Accounts (Pension)

Draupadi Ghat,
Allahabad, Utter Pradesh – 211 014.

2. The Record Officer,

OIC Records,
Records, the Madras Regiment,
Pin – 900 458,
C/o. 56 APO.

3. The Superintendent,

Ex-servicemen Welfare Office,
District Sainik Board,
Kanyakumari District,
Nagercoil,
Kanyakumari District.



WEB COPY



W.P.(MD).No.19034 of 2023

R.VIJAYAKUMAR,J.

ebsi

W.P(MD)No.19034 of 2023

03.10.2023