



W.P.(MD)No.19878 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 16.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.19878 of 2023

P.Chikkammal

... Petitioner

versus

1. The Principal Accountant General,
Office of the Principal Accountant General
(Accounts & Entitlements) Tamilnadu,
No.361, Anna Salai,
Chennai – 600 018.
2. The District Educational Officer (Elementary)
CEO Office Campus,
Vani Vilas Campus,
Palani Road, Dindigul – 624 001.
3. The Tashildar,
Attur Taluk,
Attur,
Dindigul District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India,
seeking for the issuance of Writ of Certiorarified Mandamus, to call for
the records in pursuant to the impugned order passed by the 3rd



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respondent vide O.Mu.No.2437/2023/Aa5 dated 08.05.2023 and quash the same as illegal and consequently, direct the 3rd respondent to provide the certified copy of legal heirs certificate of the deceased S.Rathinamani to the petitioner within stipulated time.

For Petitioner : M/s.V.Muthu Kamatchi
For R1 : Mr.P.Gunasekaran
Standing Counsel
For R2 : Mr.G.V.Vairam Santhosh,
Additional Government Pleader

ORDER

This writ petition is filed as against the order of the 3rd respondent passed in O.Mu.No.2437/2023/Aa5 dated 08.05.2023, rejecting the petitioner's request for issuance of a legal heir certificate of one Rathinamani.

2. The learned counsel appearing for the petitioner submits that the petitioner is the first wife of one Pappayya. Her husband had also married one S.Rathinamani as second wife. The said Pappaya was working as Secondary Grade Assistant from 01.07.1946 in E.V.V.Sala



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Primary School, Devarappanpatti Village, Dindigul District and he died on 20.04.1982 while in service. After the death of the said Pappayya, the petitioner has approached the first respondent for grant of family pension. Since the second wife was also alive, the first respondent has provided 50% of family pension to the petitioner and 50% to the second wife Rathinamani, based on a compromise decree arrived at between the parties before the Civil Court. While so, the said Rathinamani died on 18.06.2008. In order to get the family pension, which was provided to Rathinamani, the petitioner has approached the first respondent for grant of 100% family pension. However, the first respondent has insisted the petitioner to get a legal heir certificate of Rathinamani to ascertain as to whether any legal heirs is eligible for getting the family pension. Accordingly, the petitioner has also approached the third respondent/the Tahsildar, Attur Taluk, to issue a legal heir certificate of S.Rathinamani for the purpose of getting 100% family pension. The third respondent/the Tahsildar, Attur Taluk, by order dated 08.05.2023, rejected the request of the petitioner stating



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that the said Rathinamani is having two sons, namely, Pitchaimani and Muthumani and two daughters, namely, Padmini and Gowri and therefore, a legal heir certificate can be issued only to the legal heirs and not to the petitioner. Aggrieved over that, the present writ petition is filed.

3. Mr.P.Gunasekaran, learned Standing counsel appearing for the first respondent submits that though the said Rathinamani is not eligible for family pension, in view of the compromise decree arrived at between the petitioner and Rathinamani, the family pension of the said Pappayya was distributed as 50% each to the petitioner and the second wife Rathinamani. Now, the said Rathinamani died. Therefore, the petitioner has made a request for 100% family pension. The first respondent cannot pass an order of granting 100% family pension to the petitioner, without ascertaining as to whether any legal heir of the said Rathinamani is eligible for getting the family pension. Therefore, the petitioner was directed to get a legal heir certificate of Rathinamani.



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WEB COPY 4. This Court considered the rival submissions and also perused the materials available on record.

5. The petitioner, based on the direction of the first respondent, has approached the third respondent for issuing a legal heir certificate of Rathinamani. Admittedly, Rathinamani is the second wife. However, she was granted 50% of family pension pursuant to the compromise arrived between two wives. Now, the first respondent can grant 100% family pension to the petitioner only after ascertaining as to whether any legal heirs of the said Rathinamani is eligible for getting the family pension. Therefore, this Court is inclined to set aside the order of the third respondent dated 08.05.2023.

6. Accordingly, this writ petition is allowed and the impugned order dated 08.05.2023 passed by the third respondent in O.Mu.No. 2437/2023/Aa5 is hereby set aside. The third respondent/the Tahsildar,



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Attur Taluk, is directed to issue a legal heirs certificate of Rathinamani

by mentioning their age and their marital status, within a period of six

weeks from the date of receipt of a copy of this order. No costs.

16.08.2023

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

To

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B.PUGALENDHI, J.

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