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W.P.No.109 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.109 of 2023

C.Mala

.. Petitioner

Vs.

- 1.The State of Tamil Nadu rep. by its Secretary,
Public Works Department,
Fort St. George, Chennai – 600 009.
- 2.The Chief Engineer (General) & Engineer in Chief,
Chepauk, Chennai – 600 005.
- 3.The Executive Engineer,
Public Works Department,
South-East Sub-Division,
Chepauk, Chennai – 600 005.
- 4.The Accounts General, (Pension),
DMS, Chennai – 600 009.
- 5.K.Chitrabalam,
S/o.Late.Kulandai,
Door No.1670, Anna Nagar,
Kolimekkanur Village,
Pappireddippatti Post & Taluk,
Dharumapuri District.

.. Respondents

(R5 impleaded vide order of this Court
dated 09.09.2024 in W.M.P.No.583 of
2023 in W.P.No.109 of 2023)



Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to stop the family pension of petitioner's mother C.Chinnammal which is obtaining by her father namely Mr.Chitrambalam alone and issue the same to and infavour of the petitioner on the basis of petitioner's representation dated 20.12.2022 within a time frame as fixed by this Court.

For petitioner : Mr.S.Arokiamaniraj
For RR 1 to 3 : Mr.P.Balathandayutham
Special Government Pleader
For R4 : Mr.Vijayashankar

ORDER

This writ petition has been filed for the issue of writ of mandamus directing the respondents to consider the representation made by the petitioner on 20.12.2022 and to stop the payment of family pension to the 5th respondent and to pay the family pension in favour of the petitioner.

2.Heard the learned counsel for the petitioner, learned Special Government Pleader for respondents 1 to 3 and the learned counsel for the 4th respondent.



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3.The case of the petitioner is that her mother was employed under the 3rd respondent. She attained superannuation on 01.07.2010. During her lifetime, she was receiving pension. The further case of the petitioner is that the mother died intestate on 02.06.2022 leaving behind the proposed 5th respondent, the petitioner and two other daughters.

4.The grievance of the petitioner is that the family pension of her mother is now paid to the proposed 5th respondent, who is the father and therefore, the petitioner made a representation for stopping the payment of family pension to the father, who is already receiving pension and to pay the family pension to the petitioner. Since, the same was not considered, the present writ petition has been filed before this Court.

5.The learned Special Government Pleader for the respondents 1 to 3 submitted that the deceased had nominated the proposed 5th respondent as the nominee to receive the retirement benefits. Accordingly, the same is paid to the 5th respondent.

6.In the considered view of this Court, the official respondents need not resolve the dispute that is going on between the petitioner and



the proposed 5th respondent. The official respondents have to merely go by the nomination made by the deceased. If the deceased has nominated the proposed 5th respondent, they have to pay the family pension only to the 5th respondent. If according to the petitioner, she has the right to receive the same, the petitioner has to workout the remedy only before the competent Civil Court.

7.Except giving this clarity, no further orders can be passed in this writ petition.

8.Accordingly, this Writ Petition is disposed of in the above terms.

No costs.

09.09.2024

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No



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N.ANAND VENKATESH, J.

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