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W.P.No.9651 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2024

CORAM

THE HONOURABLE MR.JUSTICE **D. BHARATHA CHAKRAVARTHY**

W.P.No.9651 of 2024

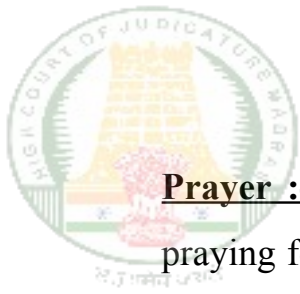
A.S.Usha @ Anjalakshmi

... Petitioner

-Vs-

1. The District Land Survey Office
Rep.by its Director,
Chennai District Collector Office Complex,
Chennai 600 001.
2. The Principal Accounts General
Premises of AG's Office
No.361, Anna Road,
Rostower Garden,
Teynampet,
Chennai 600 006.
3. Pension Pay office
Rep.by its Officer
1st floor, EVK Sampath Maligai,
DPI Campus, College Road,
Chennai 600 006.
4. Pension Office
Rep.by its authorised Officer
No.26, FJ +
VSAV Fisheries Office Road,
Nandanam,
Chennai 600 035.

... Respondents



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Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 to 4 herein to consider the petitioner's representation dated 07.02.2024 for the disbursement of her late husband's 16 years pension arrears payable to her as her only surviving legal heir on receipt of no objection certificate from the nominees named by the petitioner's late husband, expeditiously.

For Petitioner : Mr.D.S.Rajasekaran

For Respondents : Mr.S.Balamurugan
Government Advocate for R1

Mr.C.Jayaprakash
Government Advocate for R3 & R4

M/s.S.Brindaa
Central Govt. Standing Counsel for R2

ORDER

This writ petition is filed to consider the representation of the petitioner dated 07.02.2024 and to disburse the pension which is due to the petitioner in respect of the employment of the petitioner's husband.

2. Heard both sides and perused the materials available on record.

3. On perusal of the typed set of papers, it can be seen that the petitioner earlier filed a suit in O.S.No.7168 of 2002 on the file of the VIII Assistant City



Civil Court, Chennai with a prayer to declare that the plaintiff is the legal wedded wife of late. M.Y.Sankaran and consequently to direct the defendant to pay all benefits and pension to the plaintiff and also pay pension every month payable and for costs. The said suit was dismissed by judgment and decree dated 03.06.2009 as against the same the petitioner had filed A.S.No.17 of 2010 which was again dismissed by judgment and decree dated 15.04.2014 by the learned III Additional City Civil Judge, Chennai. The learned counsel for the petitioner submitted that the entire suit was on a different basis and now subsequently the legal heirs have also consented for the petitioner to get the family pension.

4. Be that as it may, the relief prayed in the suit is comprehensive in nature and covers the very relief which is prayed for before this Court. If the said order in the suit as well as in the appeal is erroneous, it is for the plaintiff to take such steps as against the said order. If the said decree is to be revisited on account of any subsequent development, it is again for the petitioner to take such steps by way of a review in the said suit or appeal. The petitioner cannot institute parallelly this proceeding for the same relief. The judgment and decree of the City Civil Court will operate as resjudicata for entertaining the present writ petition.



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5. Therefore, leaving open the rights of the petitioner to agitate before the appropriate forum, this writ petition stands dismissed. No costs.

08.04.2024

Index : Yes/No

Speaking order/Non-speaking order

dpq

To

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