



W.P.No.12922 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2024

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THE HON'BLE **MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P.No.12922 of 2024

T.Chandra

... Petitioner

Vs.

1.The Accountant General,
Office of the Accountant General (Accounts and Entitlement),
Tamil Nadu,
361, Anna Salai,
Teynampet, Chennai – 600 018.

2.The Superintending Engineer,
Public Works Department,
Buildings (C&M),
Vellore.

3.The Superintending Engineer,
Public Works Department,
Buildings (C&M),
Vaniyambadi Section,
Tirupathur Sub Division,
Tirupathur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus, directing the respondents to give family pension and death-cum-retirement benefits of deceased pensioner to the petitioner in accordance with law.



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W.P.No.12922 of 2024

For Petitioner : Mr.S.Jeyakumar

For Respondents : Mr.P.Manorajan
Standing Counsel
for R1

ORDER

The case of the petitioner is that she is the wife of K.Thangamani who was employed as Assistant Engineer in the respondent department. While so, since he did not maintain the petitioner and her children. The petitioner had approached the Family court, Salem in M.C.No.34 of 1999 and maintenance amounts were ordered. Since the petitioner's husband did not pay the said amount, by further orders of Family court, the amounts which are payable to the petitioner's husband were attached by an order in I.A.No.123 of 2007 in CMP.No.49 of 2006 in M.C.No.34 of 2007. The marriage between the petitioner and her husband is not dissolved. However, when the proceedings were pending, the petitioner's husband died on 05.01.2023. Therefore, whatever the amount due to the late husband of the petitioner, the petitioner and her children are being the Class-I legal heirs are entitled for the same. Further, the petitioner is also entitled to family pension from the date of death her husband. Merely because there is a Court order and attachment the matter is kept pending by the respondents.



W.P.No.12922 of 2024

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2. Mr.P.Manorajan, learned Standing Counsel appearing on behalf of the first respondent would submit that in the absence of any divorce or dissolution of marriage, if the petitioner is the legal heir and there is no rival claim, the claim will be duly processed by the respondent and payments if any will be released by the respondent in accordance with law.

3. In view of the above factual position, this writ petition is disposed of at the admission stage itself.

(i) Since the petitioner's husband has died and there is no divorce or dissolution of marriage between the petitioner and her husband, the respondents shall consider the claim of the petitioner and to release the entire arrear amounts which were attached as well as due to the petitioner's husband by way of all the service benefits.

(ii) The respondents shall also consider the claim of the petitioner for family pension and grant the same in accordance with law from the date of the death of the petitioner's husband.

(iii) The entire exercise shall be completed by the respondents within a period of 16 weeks from the date of receipt of a copy of this order. If the



W.P.No.12922 of 2024

petitioner is required to make any application in the relevant form etc., the same can be intimated within a period of 2 weeks from the date of receipt of a copy of this order and the petitioner shall also duly co-operate with the respondents and to file such application if necessary for processing the claim. The amount and the arrears shall be paid within a period of 4 months thereon. If the amount is not paid within the four months, thereafter, the same shall carry the interest at the rate of 6% per annum from the dates on which the amounts become due, till the date of disbursement.

(iv)No costs.

03.06.2024

Neutral Citation :No
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W.P.No.12922 of 2024

To

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W.P.No.12922 of 2024

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W.P.No.12922 of 2024

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