



W.P.No.14628 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2024

CORAM

**THE HONOURABLE Ms.JUSTICE R.N.MANJULA**

W.P. No.14628 of 2021

A.Augustina

...

Petitioner

/vs/

The Assistant Personal Officer / General  
Integrated Coach Factor,  
Chennai – 38.

... Respondent

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus to direct the respondent to sanction family pension to the petitioner with effect from 02.06.2014 i.e., the date of death of her husband late M.Arulappan and disburse the arrears with 18% interest forthwith and continue to pay the same to the petitioner and all other attendant benefits.

For Petitioner ... Mr.P.Venugopal

For Respondents ... Mr.P.T.Ramkumar  
Standing Counsel for R1



W.P.No.14628 of 2021

## ORDER

**WEB COPY** The petitioner has filed this writ petition seeking a writ of mandamus to direct the respondent to sanction family pension with effect from 02.06.2014 i.e. from the date of death of her husband late Arulappan and disburse the arrears with interest.

2. Mr.P.Venugopal, the learned counsel for the petitioner, submitted that the petitioner's husband one Arulappan was employed as Calasy with the respondent factory and he retired as Senior Technician on 31.08.2002; the petitioner's marriage with one Paraimalam @ Luthias Mary got dissolved by virtue of an order dated 27.01.2004 made in F.C.O.P. No.149 of 2004 on the file of II Additional Family Court, Chennai; the said Arulappan died on 02.06.2014; the petitioner has also filed her legal heirship certificate to show that herself and her children are the only legal heirs of the deceased Arulappan; despite the petitioner has given representation to the respondent to consider her claim for family pension as the wife of the deceased, so far it has not been considered.



W.P.No.14628 of 2021

2.1 The learned counsel for the petitioner further submitted that it is the petitioner who was living all along with the said Arulappan even prior to the marriage of Arulappan with Paraimalam @ Luthias Mary; subsequent to the dissolution of marriage of Arulappan with Paraimalam @ Luthias Mary, the petitioner is shown as wife of the deceased in his society and three children were born to the petitioner through the deceased Arulappan.

3. Since the petitioner has filed necessary papers to show her entitlement for family pension in her capacity as the wife of the deceased Arulappan, the respondent could have considered the same and passed orders. But, the respondent seems to have sent a letter dated 14.10.2015 asking the petitioner to produce the Court order to show that she was the wife of the deceased. When there is no other person to make the counter claim that the family pension of the deceased is liable to be paid to the said person, it is unnecessary for the respondent to seek for a declaratory decree from the Court to confirm the status of the deceased without analyzing the genuineness of the legal heirship certificate produced by the petitioner.



W.P.No.14628 of 2021

4. Since the respondent has not considered the representation of the petitioner in a proper perspective by taking into consideration of the records submitted by the petitioner, I feel the respondent should be directed to sanction pension to the petitioner.

5. Accordingly, this writ petition is allowed and the respondent is directed to sanction family pension to the petitioner with effect from 02.06.2014 and disburse the arrears with 18% interest, within a period of six week from the date of receipt of a copy of this order and continue to pay the same to the petitioner and all other attendant benefits. No costs.

**18.01.2024**

Index: Yes / No  
Speaking order / Non-speaking order  
bkn



W.P.No.14628 of 2021

To:  
WEB COPY

The Assistant Personal Officer / General  
Integrated Coach Factor,  
Chennai – 38.



WEB COPY



W.P.No.14628 of 2021

**R.N.MANJULA ,J.**

bkn

W.P.No.14628 of 2021

18.01.2024