



W.P.No.18834 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.18834 of 2024

T.N.Balasubramanian

.... Petitioner

Vs

1. The Chief Educational Officer,
Ariyalur,
Ariyalur District.

2. The District Educational Officer,
Ariyalur,
Ariyalur District.

3. The Principal Accountant General (A & E),
Teynampet,
Chennai – 18.

.... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 and 2 to send the pension proposal dated 06.09.2023 to the third respondent/Accountant General immediately and thereby direct the third respondent to sanction family pension to the petitioner within the stipulated time fixed by this Court by considering the petitioner's representation dated 15.04.2024.



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For Petitioner : Mr.K.Arumugam
For R1 & R2 : Mrs.S.Mythreye Chandru
Special Government Pleader

ORDER

This Writ Petition has been filed for a direction directing the third respondent to consider the case of the petitioner seeking family pension.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents 1 & 2 and perused the materials available on record.

3. The petitioner's wife, who was a District Educational Officer, died while in service on 11.06.2005. After marriage with the petitioner, she gave birth to one son. Thereafter, due to misunderstanding, they got separated. The petitioner was living separately. At that juncture, the petitioner's wife died due to illness. Though the petitioner was also one of the legal heir, his son was issued as sole legal heir of the deceased mother, viz., Kalavathy. Therefore, the petitioner filed a writ petition before this Court in W.P.No.20402 of 2022



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to consider the representation of the petitioner for issuance of legal heirship certificate to include his name. Thereafter, the request made by the petitioner was rejected and subsequently, an appeal was filed before the Revenue Divisional Officer. The Revenue Divisional Officer allowed the appeal and directed to issue legal heirship certificate by including the petitioner's name as one of the legal heir.

4. In the meanwhile, the petitioner's son was settled with all terminal benefits of the deceased mother. However, the request made by the petitioner seeking family pension was not considered so far. Admittedly the petitioner is the husband and though he is living separately, he applied for legal heirship certificate for the deceased wife. Thereafter, the petitioner was issued legal heirship certificate and as such, he is entitled for family pension for his deceased wife

5. In view of the above, the respondents 1 and 2 are directed to send a proposal for family pension to the petitioner on the demise of his wife within a period of two weeks from the date of receipt of a copy of this order. On receipt of such proposal, the third respondent



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is directed to sanction family pension with all arrears to the petitioner within a period of two weeks thereafter.

6. With the above direction, this writ petition stands allowed. No costs.

15.07.2024

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No
Lpp

To

1. The Chief Educational Officer,
Ariyalur,
Ariyalur District.

2. The District Educational Officer,
Ariyalur,
Ariyalur District.

3. The Principal Accountant General (A & E),
Teynampet,
Chennai – 18.



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G.K.ILANTHIRAIYAN. J,

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