



WEB COPY



W.P.No.19297 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2024

CORAM:

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

W.P.No.19297 of 2024

R.Rani

... Petitioner

Vs

1. The Chief Educational Officer,
District Collector Office Campus,
Dharmapuri District,
Dharmapuri – 636705.

2. The District Educational Officer,
Dharmapuri District,
Dharmapuri.

.... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records in Na.Ka.No.2991/A2/2023 dated 29.04.2024 passed by the second respondent and quash the same as illegal and consequently direct the second respondent to grant petitioner husband's family pension to her with in time framed by this Hon'ble Court.

For Petitioner : Mr.K.Gandhi Kumar
For Respondents : Mrs.S.Mythreye Chandru
Special Government Pleader

ORDER



W.P.No.19297 of 2024

This writ petition has been filed challenging the order passed by the second respondent, thereby rejected the proposal sent by the second respondent for family pension, on the ground that the petitioner was not living with her husband while he was alive.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioner got married one Ramakrishnan on 03.06.1999. He was working as Headmaster in Dashampatty Higher Secondary School. Thereafter, he retired from service in the year 2017. He died on 09.06.2023. While he was alive, there was misunderstanding between the petitioner and her husband and got separated, but, the petitioner could not maintain herself and as such, she filed a petition for maintenance in M.C.No.15 of 2000, on the file of the learned District Munsif-cum-Judicial Magistrate, Pennagaram, Dharmapuri District. It was allowed and her husband was directed to pay maintenance of Rs.500/- each for petitioner and her son. Thereafter, the petitioner's husband filed a divorce petition in O.P.No.52 of 2000, on the file of the Sub-Court, Dharmapuri and the same was dismissed for default on 13.06.2003. Therefore, after his demise, the second respondent submitted a proposal for grant of family pension. However,



W.P.No.19297 of 2024

the said proposal was rejected on the ground that there is no proof to show that the petitioner and her husband were living together.

4. As stated supra, they got separated and as such, the petitioner filed a maintenance petition and the same was allowed in her favour. That apart, divorce petition filed by her husband was dismissed for default. Therefore, it shows that the petitioner and the deceased are husband and wife. Though they were living separately, the petitioner, being the spouse of the deceased is entitled for family pension.

5. In view of the above, the order impugned in this writ petition cannot be considered and is liable to be quashed. Accordingly, the proceeding in Na.Ka.No.2991/A2/2023 dated 29.04.2024 passed by the second respondent, is hereby quashed. The respondents are directed to order family pension in favour of the petitioner, within a period of four weeks from the date of receipt of a copy of this order and disburse the arrears, within a period of four weeks thereafter.

6. With the above directions, this Writ Petition stands allowed. No costs.



W.P.No.19297 of 2024

19.07.2024

WEB COPY Internet: Yes

Index : Yes/No

Neutral Citation : Yes/No

Speaking/Non Speaking order
mn



WEB COPY



W.P.No.19297 of 2024

To

1. The Chief Educational Officer,
District Collector Office Campus,
Dharmapuri District,
Dharmapuri – 636705.
2. The District Educational Officer,
Dharmapuri District,
Dharmapuri.

G.K.ILANTHIRAIYAN. J,



WEB COPY



W.P.No.19297 of 2024

mn

W.P.No.19297 of 2024

19.07.2024