



WEB COPY



W.P.No.23611 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2024

CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

W.P.No.23611 of 2023
and
W.M.P.Nos.23131 & 23132 of 2023

1.A.Francis Jayabal
2.Irudhayarani

... Petitioners

Vs.

1.The Accountant General (A&E),
Office of the Accountant General (Audit) Complex,
No.361, Anna Salai,
Rostrevor Garden,
Teynampet, Chennai – 600 018.

2.Chief Judicial Magistrate,
Villupuram District,
Villupuram – 605 602.

3.The Judicial Magistrate No.I,
Udumalpet – 606 107.

4.M.P.Mannan

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India in the nature of Writ of Certiorarified Mandamus, calling for the records relating to the proceedings in No.AG(A&E)/PEN Pos/10227945/3/PPO

Page No.1 of 5



W.P.No.23611 of 2023

No.D0227945/250, dated 13.07.2023, on the file of the first respondent herein and to quash the same and to direct the first respondent to pass appropriate orders for the payment of the Gratuity and other retirement benefits, if any, to the first petitioner, relating to the deceased A.Nambikkai Mary, worked as the Head Clerk in the Office of the third respondent.

For Petitioners	: Mrs.Elizabeth Ravi
For R1	: Mr.V.Vijay Shankar
For R2 & R3	: Mr.P.Kannan Kumar Senior Counsel
For R4	: Mr.R.Prathapan

ORDER

(Order of this Court was made by S.M.SUBRAMANIAM,J.)

The Admissibility Report for family pension issued by the Accountant General of Tamil Nadu dated 13.07.2003 is under challenge in the present writ petition.

2. Such Admissibility Report for family pension cannot be a ground to institute writ proceedings. Mr.V.Vijay Shankar, learned Counsel appearing on behalf of the 1st respondent/Accountant General of Tamil Nadu made a



W.P.No.23611 of 2023

submission that a letter has been addressed to the Tahsildar concerned seeking details regarding the two different Legal Heir Certificate issued. Since the genuinity of the Legal Heir Certificate is under scrutiny and the rights of the parties are yet to be determined, the relief as such claimed in the present writ petition cannot be granted. Such disputed facts relating to the matrimonial relationship cannot be decided in a writ proceedings.

3. Thus, the respondents 1 to 3 are directed to conduct a detailed enquiry and form a final opinion for the purpose of settling the terminal and pensionary benefits due to the deceased employee.

4. With these directions, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[S.M.S.J.] [K.R.S.J.]
04.03.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
veda



W.P.No.23611 of 2023

WEB COPY

To

- 1.The Accountant General (A&E),
Office of the Accountant General (Audit) Complex,
No.361, Anna Salai,
Rostrevor Garden,
Teynampet, Chennai – 600 018.
- 2.Chief Judicial Magistrate,
Villupuram District,
Villupuram – 605 602.
- 3.The Judicial Magistrate No.I,
Udumalpet – 606 107.

S.M.SUBRAMANIAM,J.
AND



WEB COPY



W.P.No.23611 of 2023

K.RAJASEKAR,J.

veda

Order in
W.P.No.23611 of 2023

04.03.2024