



WEB COPY

W.P.No.23543 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2024

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THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.No.23543 of 2021 and
W.M.P.No.24761 of 2021

R.Medona

... Petitioner

Vs.

The State of Tamil Nadu rep by
Treasury Officer,
District Treasury Office,
Ooty, Nilgris District.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the respondent made in Na.Ka.No.4351/2020/D2 dated 28.09.2020 and the consequential order issued in Na.Ka.No.4351/2020/D2 dated 09.12.2020 and quash the same and consequently, direct the respondent to restore the family pension sanctioned in PPO.No.F1307901.

For Petitioner : M/s.Selvi George

For Respondent : Mr.M.Muthusamy, GA



ORDER

This Writ Petition has been filed by the petitioner for quashment of the impugned order passed by the respondent made in Na.Ka.No.4351/2020/D2 dated 28.09.2020 and Na.Ka.No.4351/2020/D2 dated 09.12.2020 and consequently, direct the respondent to restore the family pension sanctioned in PPO.No.F1307901.

2. The petitioner married one Magendran on 29.01.1995 and out of the wedlock, a girl child namely Monisha was born to them. The said Magendran was working as an Assistant in Forest Department and while in service, he died on 16.11.2013. The name of the petitioner and the name of her daughter were entered in the Pension Payment Order issued by the Principal Accountant General (A&E) Tamil Nadu, Chennai. After his death, they have received the Death cum Retirement Benefits and family pension was also ordered. Despite being a graduate, the daughter of the petitioner did not get any employment and she was totally depending on the family pension and she got married to one Sampaul on 04.11.2020. Due to family circumstances, the petitioner was forced to remarry one Kanagarajan, who is also a widower. Due to differences of opinion between the petitioner and one Kanagarajan,



the petitioner filed a Divorce Petition in S.M.O.P.No.15 of 2020 before the Family Court, Thiruvallur and the learned Judge had granted divorce on 19.03.2020. In the meanwhile, the petitioner has received an order from the Treasury Officer, Ooty in Na.Ka.No.4351/2020/D2 dated 28.09.2020 in which the family pension granted to the petitioner was stopped, since the petitioner got married to another person. Due to Covid-19 pandemic situation, the petitioner was unable to challenge the same. Subsequent to this, the respondent had passed an order of recovery of Rs.9,98,863/- in Na.Ka.No.4351/2020/D2 dated 09.12.2020. Against which, the petitioner has filed the present petition.

3. The learned counsel for the petitioner submitted that after the death of her first husband, one Magendran, the petitioner and her daughter received the family pension and due to family circumstances, the petitioner re-married one Kanagarajan and her daughter got married to one Sampaul. The petitioner could not make out any case regarding grant of family pension, but there is a recovery of Rs.9,98,863/- which is under challenge before this Court.



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4. Heard the learned Government Advocate appearing for the respondent and also perused the materials available on record.

5. Considering the submissions made by the learned counsel on either side, this Court is of the opinion that the impugned order of recovery of Rs.9,98,863/- passed by the respondent in Na.Ka.No.4351/2020/D2 dated 09.12.2020 was not recovered from the petitioner and this Court also directs the respondent to verify the case of the petitioner and pass a fresh order keeping in view of the facts and circumstances of the case as well as in accordance with law, within a period of four months from the date of receipt of a copy of this order.

6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

05.09.2024

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Index : Yes / No

Speaking order / Non-speaking order



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To

The Treasury Officer,
District Treasury Office,
Ooty, Nilgris District.



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VIVEK KUMAR SINGH, J.

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