



WEB COPY



W.P.Nos.28473/2021 & 26444/2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2024

CORAM:

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. Nos.28473 of 2021 and 26444 of 2022

R.Rajathi

... Petitioners in both W.P's.

/vs/

1. The Senior Accounts Office, (Pension)
Office of the Principal Controller of
Communication Accounts,
Tamil Nadu Circle,
No.60, TNT Complex, Ethiraj Salai,
Chennai – 600 008.

2. The Accounts Officer, (Pension),
Office of PGMM,
BSNL, STR, Flower Bazar,
Chennai – 600 001.

... Respondents in both W.P's.

Writ Petition in W.P.No.28473/2021 is filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondents to process the family pension application and to disburse the family pension of deceased V.Rajangam with effect from 20.05.2018 by considering representation dated 21.09.2021 within a stipulated time.



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Writ Petition in W.P.No.26444/2022 is filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondents to process the family pension application and to disburse the remaining 50% family pension of deceased V.Rajangam with effect from 20.05.2018 by considering the petitioner's representation dated 21.09.2021 within a stipulated time.

For Petitioners ... Ms.M.Periyanayagi
(in both W.P's.) for Mr.Lokesh

For Respondents ... Mr.N.Ramesh
(in both W.P's.) Standing Counsel

COMMON ORDER

The petitioner who claims herself as first wife of the deceased V.Rajangam has filed these writ petition seeking a direction to disburse the remaining 50% of the family pension of V.Rajangam with effect from 20.05.2018 by considering petitioner's representation dated 21.09.2021

2. Ms.M.Periyanayagi, the learned counsel for the petitioner, submitted that the petitioner was given 50% of the family pension of V.Rajangam by withholding remaining 50% in view of one Mathi who is



also the legal heir of the deceased Rajangam; in this regard the petitioner and her children have already filed an Original Suit in O.S.No.152 of 2018 to declare that they are the legal heirs of the deceased Rajangam; in the said suit it is held that the petitioner, her children, deceased Rajangam's mother and the daughter born through his second wife Dharshini are the legal heirs of the deceased Rajangam.

3. So far as the family pension is concerned, if the said Mathi happened to be an unmarried daughter of the deceased Rajangam, there may not be any possibility for the respondents to disburse the remaining 50% of the pension by considering the petitioner alone as the sole eligible legal heir to get the family pension.

4. Since the petitioner has given representation in this regard, the respondent shall consider and make any enquiry about the marital status of the other legal heir namely Mathi and her eligibility to get family pension and pass orders within a period of six weeks from the date of receipt of a copy of this order. The second respondent shall put the other legal heir of



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the deceased Rajangam on notice before passing any order of disbursal of the remaining 50% family pension.

5. With the above direction, these writ petitions are disposed. No costs.

19.02.2024

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



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R.N.MANJULA ,J.

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