



W.P.No.33682 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.11.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.33682 of 2024

M. Rajeswari

...Petitioner

Vs

- 1 The State of Tamil Nadu,
represented by its Secretary to
Government,
Revenue Department,
Secreteriat, Fort St. George,
Chennai 600 009.
- 2.The District Collector,
Krishnagiri District,
Krishnagiri 635 001.
- 3.The Sub Collector,
Anna Nagar, Hosur 635 109,
Krishnagiri District.
- 4.The Regional Joint Director,
Treasuries and Accounts Department,
No.57, New Periyar Poonga Fort
Backside, Vellore,
Vellore District 632 001.
- 5.The Treasury Officer,
District Treasury
Taluk Office Road,
Veerappa Nagar,
Krishnagiri 635 001,
Krishnagiri District.
- 6.The Assistant Treasury Officer,



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- Sub Treasury,
Royakottai Road, Hosur 635 109,
Krishnagiri District
7. The Tahsildar,
Denkanikottai Taluk,
Denkanikottai 635 107,
Krishnagiri District.
8. The Principal Accountant General,
Accounts & Entitlement, Tamilnadu,
No.361, AnnaSalai, Teynampet,
Chennai 600 018.
9.M.Sathishkumar

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 7th respondent herein to forward the family pension application dated 17.06.2020 of the petitioner to the 8th respondent for grant of family pension to the petitioner in accordance with law.

For Petitioner : Mr. J.Selvarajan

For Respondents : Mr. Yogesh Kannadasan,
Spl.Govt. Pleader – R1 to R7
Mr.S.Brindaa, Standing counsel
(Accountant General) - R8

ORDER

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2.The petitioner has filed this writ petition to issue a Writ of



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Mandamus directing the 7th respondent herein to forward the family pension application dated 17.06.2020 of the petitioner to the 8th respondent for grant of family pension to the petitioner in accordance with law.

3. The case of the petitioner is that his husband namely Marimuthu who worked as record Clerk at the Tahsildar Office, Denkanikottai, Krishnagiri District got voluntary retirement on 31.04.2007 and thereafter, on 26.12.2010 he died intestate leaving behind the petitioner as his legal heir. As per the instructions of 8th respondent, the petitioner approached the 7th respondent viz., Tahsildar, Denkanikottai, by applying for family pension in a proper form. As instructed by the 7th respondent, the petitioner appeared for proper enquiry on 17.10.2022 and 20.10.2022 and submitted all the relevant documents and requested him to forward the pension proposal to the 8th respondent/The Principal Accountant General, Accounts and Entitlement, Tamilnadu for appropriate orders. Therefore, the petitioner gave a representation to the 7th respondent on 19.07.2023 with regard to the said issue. However, no action has been taken by the 7th respondent till date.



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4. It is submitted by the learned counsel for the petitioner that when the petitioner is a legally wedded wife of the deceased Marimuthu and her marriage is valid, she is entitled to receive family pension, there would be no impediment for the official respondents to consider the same, however, without any valid reason, the claim of the petitioner has not been considered for years together. Hence, the petitioner is constrained to file the present writ petition.

5. Heard the learned counsel for the petitioner and the learned Spl.Govt. Pleader appearing for the respondents 1 to 7 and the learned Standing counsel (Accountant General) for the 8th respondent.

6. According to the petitioner, though she is a legally wedded wife of the deceased Marimuthu, who worked as Record Clerk in Tahsildar Office, Denkanikottai and the said Marimuthu died on 26.12.2010, she has not been sanctioned with the family pension. Even though the 7th respondent conducted enquiry, he has not passed any order regarding the enquiry conducted. The deceased person K.Marimuthu, who worked as a record clerk and after his retirement, only pension was disbursed to him.



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It is seen only pension was paid to the husband after retirement and after his death, no family pension has been paid to the petitioner. The relevant records have been returned by the Treasury Office on the ground that her name is not found in the pension papers. As a wife, she is entitled for family pension.

7. In such facts of the matter, the 7th respondent is directed to conduct an enquiry and on satisfaction, to forward the proposal to 8th respondent for disbursing the family pension to petitioner within four weeks thereafter.

8. With the above direction, this Writ Petition stands disposed of.

No order as to costs.

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Index: Yes/No

Speaking order/Non-speaking order

msr



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To

1. The State of Tamil Nadu,
represented by its Secretary to
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V.BHAVANI SUBBAROYAN,J.

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