



W.P.(MD).No.9084 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.04.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.9084 of 2024

V.Packiyam

... Petitioner

Vs

1. The Accountant General,
Accounts and Entitlement,
Tamil Nadu, Chennai - 600018.

2. The Assistant Treasury Officer,
Madurai South, Collectorate Building,
Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 2nd respondent to pay off the family pension to the petitioner by considering her representation, dated 31.01.2024.

For Petitioner : Mr. S.Muthukumar

For Respondents : Mr.M.Lingadurai (R2)
Special Government Pleader

Mr.P.Gunasekaran (R1)



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ORDER

The petitioner has filed this writ petition seeking to issue a direction to the 2nd respondent to pay family pension to the petitioner by considering her representation, dated 31.01.2024.

2.Heard the learned counsel appearing for the petitioner, the learned counsel appearing for the first respondent and the learned Special Government Pleader appearing for the second respondent. Perused the materials available on record.

3.The petitioner's husband has entered the name of Irulayi as his wife in his Service Register. The petitioner claims that Irulayi is her alais name and Packiyam is her given name. The petitioner's grievance is that the respondents have taken the above difference as a technical defect and refused to release the family pension in her favour. The petitioner's representation in this regard is pending without any disposal.



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4.However, the learned Special Government Pleader appearing for the second respondent submitted that Irulayi is some other person and not the petitioner and on 20.02.2017 itself, the first respondent has given authorisation to grant family pension to one Irulayi and hence, the petitioner cannot seek family pension once again by stating that there is a clerical error in considering her name as Irulayi @ Packiyam.

5.The learned counsel for the petitioner attracted the attention of this Court to an earlier sale deed, in which, the petitioner claims to have described herself as Irulayi @ Packiyam. Irulayi, in whose favour the respondents have disbursed the family pension so far, is not related to her deceased husband.

6.Since lot of factual matrix involved in this issue, it is for the petitioner to declare her status by getting a decree from the Civil Court by placing all the material facts and evidence. However, the respondents are also directed to keep the representation of the petitioner pending, in order to enable the petitioner to proceed further.



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7. With the above directions, this writ petition stands disposed of.

There shall be no order as to costs.

12.04.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
PNM

To

1. The Accountant General,
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Tamil Nadu, Chennai - 600018.
2. The Assistant Treasury Officer,
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R.N.MANJULA, J.

PNM

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