



W.P.(MD)No.10562 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.10.2024

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.10562 of 2019

and

W.M.P.(MD).No.8100 of 2019

P.Sulochana

... Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Tahsildar,
Rajapalayam Taluk Officer,
Rajapalayam,
Virudhunagar District.

3.Sundarabalan

4.The Principal Accountant General (A & E),
No.361, Anna Salai,
Teynampet,
Chennai-18.

... Respondents

(Respondent No.4 suo motu impleaded as per order of this Court dated 21.10.2024 made in W.P.(MD).No.10562 of 2019)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records, pertaining to the impugned orders passed by the second respondent herein in Na.Ka.No.



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P4/17075/2016, dated 20.01.2017 and quash the same and consequently direct the respondents 1 and 2 to forthwith sanction family pension in favour of the petitioner herein, the wife of (late) P.Palanichamy, former Village Munsif of Muthusamypuram Village of Rajapalayam Taluk as per the Government Order issued in G.O.(Ms).No.828m Revenue (E.SPL.1) Department, dated 23.08.1996 with effect from 04.03.1981 and pay the arrears.

For Petitioner	: Mr.G.Mohankumar
For R-1 & R-2	: Mr.S.Kameswaran, Government Advocate
For R-3	: Mr.T.Balaji
For R-4	: Mr.P.Gunasekaran, Standing Counsel

ORDER

This Writ Petition has been filed challenging the order dated 20.01.2017 passed by the second respondent rejecting the petitioner's request for grant of family pension on the ground that a civil suit filed by the petitioner seeking for partition against the third respondent is still pending.

2. Learned Government Advocate appearing for the respondents on written instructions would now submit that the second respondent is ready to send a proposal to the Accountant General, seeking for approval for the grant of



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family pension to the petitioner on account of the death of late P.Palanichamy and a direction may be issued to the Accountant General to consider the said proposal once the same is submitted on merits and in accordance with law after affording an opportunity of hearing to the third respondent, who is contesting the claim of the petitioner.

3. No prejudice would be caused, if a direction is issued to the Accountant General, once a proposal submitted by the second respondent is received by him to consider the said proposal on merits and in accordance with law after affording an opportunity of hearing to the third respondent within a time frame to be fixed by this Court.

4. Learned counsel appearing for the petitioner is also satisfied, if the aforesaid direction is issued by this Court.

5. Since the Accountant General having office at No.361, Annasalai, Teynampet, Chennai-18, is not a party respondent in this Writ Petition, this Court by exercising its *suo motu* powers impleads the Accountant General, No. 361, Annasalai, Teynampet, Chennai-18, as fourth respondent in this Writ Petition.



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6. For the foregoing reasons, this Court directs the second respondent to send a proposal seeking for grant of family pension to the petitioner on account of the death of P.Palanichamy within a period of six weeks from the date of receipt of a copy of this order. On receipt of the said proposal, the newly impleaded fourth respondent, viz., the Accountant General, having its Office at No.361, Annasalai, Teynampet, Chennai-18, is directed to consider the said proposal on merits and in accordance with law after affording an opportunity of hearing to the third respondent and also permitting him to file objections to the proposal and pass final orders within a period of two months thereafter. The petitioner is required to furnish all documents sought for by the second respondent.

7. Accordingly, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

21.10.2024

NCC:yes/no
Index:yes/no
Internet:yes/no



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Virudhunagar District.
- 3.The Principal Accountant General (A & E),
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ABDUL QUDDHOSE, J.

TSG

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