



**W.P.(MD).No.21040 of 2024**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**DATED : 06.09.2024**

**CORAM:**

**THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P(MD)No.21040 of 2024**

P.Kunjaram

... Petitioner

Vs.

The Income Tax Officer,  
Income Tax Office,  
176, Sapthagiri Vaniga Valagam,  
Vandikara Street,  
Ramanad.

... Respondent

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to initiate appropriate action to pay the petitioner's family pension on the death of her husband C.Pandi within a time frame by considering the representation dated 23.01.2024 within the period that may be stipulated by this Court.

For Petitioner : Mr.B.Janarth Kumar

For Respondent : Mr.N.Dilip Kumar  
Standing Counsel



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## **ORDER**

The present Writ Petition has been filed by the wife of a deceased employee, who was working in the Income Tax Department, seeking a Mandamus to direct them to initiate appropriate action for payment of family pension on the death of her husband, namely, C.Pandi.

2. The petitioner's husband was working as an Income Tax Officer in the respondent Department and he attained superannuation on 31.05.2017 and he passed away on 28.05.2021. At the time of his retirement, the said employee had received all the terminal benefits.

3. In his pension payment details, the employee had mentioned the name of one P.Selvi and the three children born to the said Selvi as his nominees. Based upon the said nomination, the respondent Department has proceeded to disburse the family pension to the said Selvi after the death of C.Pandi.

4. The petitioner herein, who is the first wife of the said C.Pandi had filed O.S.No.58 of 2021, before the District Munsif Court, Paramakudi,



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seeking declaration that she is the legal heir of the deceased Pandi and directing the revenue authority to issue legal heir Certificate.

5. After trial, the trial Court has decreed the suit to the effect that the petitioner herein, her son and the children born to said Pandi through the second wife Selvi are the legal heirs. Based upon the said decree, a legal heir Certificate has also been issued by the Revenue Department on 09.12.2023. Therefore, it is clear that the writ petitioner alone is the legally wedded wife of C.Pandi.

6. Enclosing the Civil Court decree and the legal heir Certificate, the petitioner has approached the respondent by way of representation dated 23.01.2024 to disburse the family pension to her. Since the said representation has not been considered so far, the present Writ Petition has been filed.

7. Considering the above said facts, the respondent herein is directed to forward the representation of the writ petitioner along with civil Court decree and legal heir Certificate to the Pension Payment Office for passing



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appropriate orders. The said exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

8. With the above said observations, this Writ Petition stands disposed of. There shall be no order as to costs.

**06.09.2024**

NCC : Yes/No  
Index : Yes / No  
Internet : Yes / No  
ebsi

To  
The Income Tax Officer,  
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**R.VIJAYAKUMAR,J.**

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