



W.P.(MD)No.21548 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.09.2024

CORAM:

THE HON'BLE MR JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.21548 of 2024
and WMP(MD). No.18209 of 2024

Mrs.Seethalakshmi

... Petitioner

vs.

1.Government of Tamil Nadu
Represented by its Secretary
Home Department, St.Fort, Chennai

2.The Accountant General (Accounts & Entitlements)
Office of the Accountant General (Accounts & Entitlements)
361, Anna Salai
Chennai 600 018

3.The Superintendent of Police
Virudhunagar, Virudhunagar District

4.M.Raja

5.M.Pandiyan

6.M.Kottaitai

....Respondents



W.P.(MD)No.21548 of 2024

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorari Mandamus calling for the records relating to the impugned order dated 04.06.2024 had sent a letter vide No.P04/2/10434640/ADK/1368 passed by the 2nd respondent and quash the same and thereby direct the 1st and 3rd respondents to sanction family pension and all other death benefits of deceased K.Murugan to the petitioner with effect from 27.09.2010 ie. the date of death of petitioner's husband K.Murugan and disburse the arrears with 18% interest forthwith and continue to pay the same to the petitioner.

For Petitioner : Mr.R.Rajesh Saravanan

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader for R1 & R3

:Mr.P.Gunasekaran
Standing Counsel for R2

ORDER

The instant writ petition has been filed by the first wife of the deceased employee challenging the order passed by the second respondent wherein the petitioner has been directed to produce the date of marriage of the children born through the second marriage so as to find out the eligibility for family pension.

2.According to the learned counsel appearing for the writ petitioner, the children born through the second wife of the deceased employee are not in talking



W.P.(MD)No.21548 of 2024

terms to the writ petitioner and therefore, she is not in a position to produce the date of marriage of those children who were born through the second marriage.

3.The learned Standing Counsel appearing for the second respondent had relied upon Tamil Nadu Pension Rules 1978 and contended that unless the date of marriage of the children born through the second wife are brought on record, it will be difficult for disbursing the family pension for the period between 27.09.2010 till 31.05.2023 ie. the date on which the legal heirship certificate has been issued by the revenue official.

4.The learned counsel for the writ petitioner, on instructions, submitted that he would be satisfied, if the family pension is disbursed from 01.06.2023 without furnishing any records relating to the date of marriage of the children born through the second marriage and he would work out his remedy through independent proceedings for receiving arrears of pension from 27.09.2010.

5.Recording the said submission, the second respondent is directed to disburse the family pension to the writ petitioner with effect from 01.06.2023 onwards within a period of 12 weeks from the date of receipt of a copy of this order.



W.P.(MD)No.21548 of 2024

WEB COPY

6. With the above said directions, this Writ Petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

10.09.2024

Intex : Yes/No
Internet : Yes/No
NCC: : Yes/No
msa

To

1. Government of Tamil Nadu
Represented by its Secretary
Home Department, St.Fort, Chennai

2. The Superintendent of Police
Virudhunagar, Virudhunagar District



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W.P.(MD)No.21548 of 2024

R.VIJAYAKUMAR, J.

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W.P.(MD)No.21548 of 2024
and WMP(MD). No.18209 of 2024

10.09.2024