



W.P.(MD)No.19613 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.08.2024

CORAM

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.19613 of 2017

and

W.M.P.(MD)No.15893 of 2017

Thenmozhi

: Petitioner

Vs.

1.The Accountant General (A & E),
361, Anna Salai, Chennai – 18.

2.The District Elementary Educational Officer (DEEO),
Theni District, Theni.

3.The Assistant Elementary Educational Officer (AEEO),
Theni, Theni District.

4.The Correspondent,
Hindu Middle School,
Seelaiyampatti,
Uthamapalayam Taluk,
Theni District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the first



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respondent vide No.P24/4/12415514/ADK dated 02.08.2017, quash the same and further direct the respondents to sanction the family pension and other benefits to the petitioner for the death of her husband namely R.Muthusamy (PPO No.T/87043) on 01.04.2017, thereby recognizing her as the wife.

For Petitioner : Mr.U.Antony Santhosh
For Respondent No.1 : Mr.P.Gunasekaran
Standing Counsel
For Respondents 2 & 3 : Mr.T.Amjad Khan
Government Advocate
For Respondent No.4 : No appearance

ORDER

This Writ Petition has been filed by the second wife of late R.Muthusamy, who was working in the fourth respondent school at the time of his retirement. Under the impugned order, the first respondent had rejected the petitioner's request for family pension and other benefits on account of the death of her husband namely R.Muthusamy on 01.04.2017, on the ground that since she being a second wife is not eligible to receive family pension but however, her son ie., Kamaraj, aged 24 years is eligible for family pension and he may apply for family pension up to his attaining the age of 25 years with documentary proof.



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evidence as sought for in the impugned order, within a period of two [2] weeks from the date of receipt of a copy of this order. On receipt of the same, the concerned Block Education Office shall pass appropriate orders for payment of the arrears of family pension payable to the petitioner's son namely one Kamaraj, as per the impugned order within a period of four [4] weeks thereafter.

5. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

21.08.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes/No
MR



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To

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ABDUL QUDDHOSE, J.

MR

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