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W.P.No.25388 of 20..

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.02.2025

**Coram:
THE HONOURABLE MR.JUSTICE C.SARAVANAN**

**W.P.No.25388 of 2014
and M.P.No.1 of 2014**

Mrs.Ponni

...Petitioner

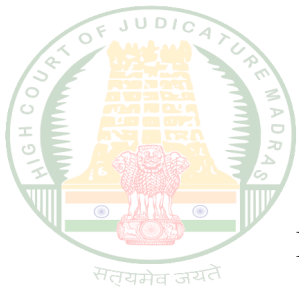
Versus

1.The Commissioner,
Mettur Municipality,
Salem District.

2.The Assistant Director,
Municipality Pension Verification Section,
Local Fund Audit, 4th Floor,
Kurazhgam,
Chennai – 108.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for records relating to impugned order in moo mu.no.10054/N O S (2)/ 2014 dated 15.04.2014 on the file of the 2nd respondent and quash the same and consequently, direct the respondents to disburse the death benefits and other attendant benefits of deceased Raju to the petitioner.



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For Petitioner : Mr.S.Arokia Maniraj
For Respondent – 1 : Mr.P.Navaneetha Krishnan
For Respondent – 2 : Mr.G.Nanmaran,
Special Government Pleader

ORDER

With the consent of both sides, this writ petition is taken up for final disposal.

2. The relief sought in this writ petition is to quash the Order dated 15.04.2014 in moo mu.no.10054/N O S (2)/ 2014 (hereinafter referred to as “Impugned Order”) passed by the 2nd Respondent and direct the Respondents to disburse the death benefits and other attendant benefits of the deceased Raju to the Petitioner (wife of deceased Raju).

3. The case of the Petitioner is that the Petitioner's husband Mr.Raju was working as a Watchman in the 1st Respondent Municipality and he died on 14.10.2008. After the death of the Petitioner's husband, the Petitioner submitted an application before the 1st Respondent, for availing the death



benefits of her deceased husband. When the said application was under process, one Mrs.Chellammal objected the claim of the Petitioner stating that the said Mrs.Chellammal was the wife of deceased Raju.

4. During the year 2008, the aforesaid Chellammal filed a suit in O.S.No.308 of 2008 before the District Munsif Court, Mettur, for declaration and permanent injunction. In the said suit, the Petitioner was arrayed as the 1st Defendant. The said suit was dismissed by the learned District Munsif, Mettur vide Judgment dated 31.10.2013.

5. In this background, once again, the Petitioner had approached the Respondents and requested them to disburse the death benefits of her deceased husband. However, without considering the request of Petitioner, the 2nd Respondent passed the Impugned Order dated 15.04.2014 stating that Family Pension benefits cannot be given to the Petitioner. Aggrieved by the same, the Petitioner has filed this writ petition.

6. Heard the learned counsel on either side and perused the materials available on record.

7. As far as this case is concerned, the Petitioner's husband was



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working as a Watchman in the 1st Respondent Municipality and he died on 14.10.2008. After his demise, the Petitioner requested the Respondents to disburse the pension benefits of her deceased husband to her. However, the 2nd Respondent vide Impugned Order dated 15.04.2014, rejected the Petitioner's request for grant of pensionary benefits of her deceased husband.

8. In the Impugned Order, it has been stated by the 2nd Respondent that it was not directed in the Judgment dated 31.10.2013 in O.S.No.308 of 2008 to disburse the Family Pension Benefits to Petitioner and hence, Family Pension Benefits cannot be granted to the Petitioner.

9. The reason stated by the 2nd Respondent in the Impugned Order is arbitrary as there is no determination in the Judgment dated 31.10.2013 in O.S.No.308 of 2008 that the said Mrs.Chellammal and Ramesh (Plaintiffs in O.S.No.308 of 2008) are the legal heirs of deceased Raju. Hence, the Petitioner is entitled to receive the Family Pension Benefits of deceased Raju.



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10. It is to be noted that in the Plaintiffs' averments in O.S.No.308 of 2008, it has been stated that the Petitioner is the legally wedded wife of the deceased Raju and that the Petitioner had obtained divorce from the deceased Raju.

11. However, in the Judgment dated 31.10.2013 in O.S.No.308 of 2008, the learned District Munsif, Mettur had clearly observed that no proper legal document has been produced by the Plaintiffs (Chellammal & Ramesh) to substantiate that the deceased Raju had divorced the Petitioner and hence, it is clear that the Plaintiffs (Chellammal & Ramesh) have not proved the same by way of any proper legal document.

12. Considering the above facts and circumstances of the case, this Court is inclined to quash the Impugned Order and remit the case back to the 2nd Respondent for fresh consideration.

13. Accordingly, the Impugned Order dated 15.04.2014 passed by the 2nd Respondent is quashed and the case is remitted back to the 2nd Respondent. The 2nd Respondent is directed to consider the Petitioner's



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request and pass a fresh order, on merits and in accordance with law, within a period of six months from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to the Petitioner.

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14. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

04.02.2025

mrr

Index : Yes/No

Speaking Order (or) Non-Speaking Order

To

- 1.The Commissioner,
Mettur Municipality,
Salem District.
- 2.The Assistant Director,
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Kurazhgam, Chennai – 108.



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C.SARAVANAN, J.

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