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W.P.No. 39158 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

Dated: 28.01.2025

**Coram:**

**THE HONOURABLE Mrs.V.BHAVANI SUBBAROYAN**

**W.P.No.39158 of 2024**

Kalaiselvi

...Petitioner

Vs.

1. The Additional Chief Secretary /  
Commissioner of Indian Medicine and Homoeopathy  
Indian Medicine Commissionerate  
Arumbakkam, Chennai – 600 106
2. The State of Tamilnadu  
rep. By its Secretary to Government,  
Health and Family Welfare department,  
Fort St.George, Chennai – 600 009
3. The Superintendent  
Arignar Anna Government Hospital Campus,  
Arumbakkam, Near Anna Arch.,  
Chennai – 600 106
4. The Accountant General (A&E) of Tamilnadu  
No.361, Anna Salai,  
Teynampet,  
Chennai – 600 018

...Respondents

**Prayer:** Writ Petition filed under Article 226 of Constitution of India for an issuance of a Writ of Mandamus directing the 1<sup>st</sup> and 3<sup>rd</sup> respondents to grant family pension and other terminal benefits to the petitioner, who is the widow of



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the deceased, as per the Tamilnadu Pension Rules by considering the representation dated 21.10.2024.

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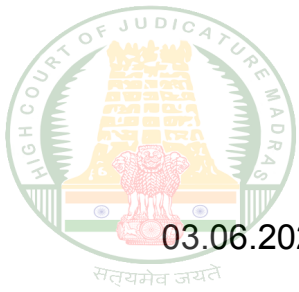
For Petitioner : Mr.D.Veerakumar  
For Respondents : Mr.M.Bindran for R1 to R3  
Additional Government Pleader  
Mr.P.Manorajan for R4  
Standing Counsel

### **ORDER**

The present Writ Petition has been filed for an issuance of a Writ of Mandamus directing the 1<sup>st</sup> and 3<sup>rd</sup> respondents to grant family pension and other terminal benefits to the petitioner, who is the widow of the deceased, as per the Tamilnadu Pension Rules by considering the representation dated 21.10.2024.

2. The brief facts of the case, as averred by the petitioner are as follows:-

The petitioner's husband joined as Assistant Medical Officer (Siddha) in the 1<sup>st</sup> respondent department on 01.07.2005 and his probation was also declared. The marriage between the petitioner and her husband was solemnized in the year 2013 and the petitioner's husband has nominated the petitioner in the service record maintained by the employer. The petitioner's husband was severely affected with the Basic Disease: Chronic Interstitial Disease Chronic Liver Disease, therefore, on 05.10.2017, the petitioner's husband undergone the operation, however, the petitioner's husband did not recover and thereby died on

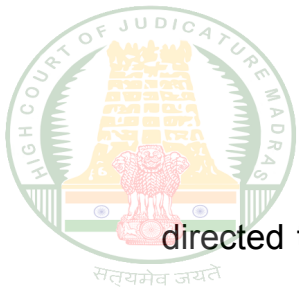


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03.06.2024. Therefore, the petitioner applied for family pension and all terminal benefits, which is applicable to the deceased government servant on 28.06.2024, 26.09.2024 and 21.10.2024 to the respondents 1 and 3, however, the same has not been considered, hence this petition.

3. The learned Additional Government Pleader appearing for the respondents submits that as per the service register of (late) Dr.M.Bhaskar, as on 05.10.2006, he has listed his father, T.Marimuthu and his mother M.Chellammal as family members, additionally M.Soundararajan, his uncle was nominated for benefits and there is no record of a spouse or marriage details have been found in the service register. Further, the petitioner has submitted the legal heir certificate dated 26.06.2024 issued by the Tahsildar, Perambalur Taluk listing her as the sole legal heir, however, T.Marimuthu has raised objections claiming that the petitioner is not the legitimate wife of (Late) Dr.M.Bhaskar. Therefore, a confidential report has been called for from the appropriate authority, but the same has not been received.

4. Considering the above said submissions made on either side and the facts and circumstances of the case, the petitioner is directed to furnish all the relevant documents to establish that she is the legally wedded wife of the deceased to the respondents / appropriate authorities and the respondents are



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directed to consider the claim of the petitioner and pass appropriate orders after holding enquiry and after giving opportunity to the parents and the persons mentioned in the service register of the deceased, within a period of twelve weeks from the date of receipt of a copy of this order.

In the result, the Writ Petition is disposed of. No costs.

**28.01.2025**

Index : Yes / No;  
Internet : Yes / No  
Speaking Order / Non Speaking Order  
ssd  
To

1. The Additional Chief Secretary /  
Commissioner of Indian Medicine and Homoeopathy  
Indian Medicine Commissionerate  
Arumbakkam, Chennai – 600 106
2. The State of Tamilnadu  
rep. By its Secretary to Government,  
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**V.BHAVANI SUBBAROYAN, J.**

ssd

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