



W.P.(MD)No.1471 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 28.01.2025

CORAM:

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.1471 of 2025

Vani Sree

... Petitioner

Vs.

1. The Joint Secretary to the Government,
Finance Department and Director (Additional Charge),
Local Government Audit,
Kuralakam, 4th Street,
Chennai – 600 108.
2. The Director,
Local Government Financial Audit,
Kuralakam, 4th Street,
Chennai – 600 108.
3. The Executive Officer,
3rd Stage, Municipality,
Inam Karur,
Karur District – 639 006.
4. The Assistant Director,
Municipality Payment Division,
Karur Municipality Division,
Karur District.
5. The Senior Town Planning and Commissioner,
Karur Municipality,
Karur District.



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6. The Assistant Director,
Local Government Finance Audit,
Karur District.

7. Zonal Deputy Director,
Local Government Audit Office,
Trichy District.

8. The Commissioner,
Karur Municipality,
Karur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the Respondent to release / disburse the Family Pension of deceased Poonjammal, W/o.Deceased Suriyan for the period of 19.03.2008 to 04.12.2023, as per the order in Succession O.P.No.15/2023, on the file of the Learned Principal District and sessions Judge, Karur dated 19.10.2023.

For Petitioner : Mr.S.M.Ramasiva

For R1, R2, R4 & R7 : Mr.A.Baskaran
Additional Government Pleader

For R3, R5 & R8 : Mr.K.Balasubramani
Standing Counsel



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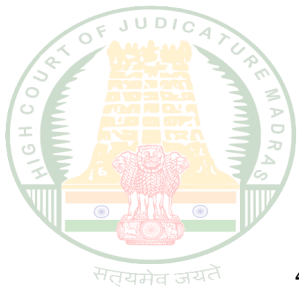
ORDER

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The instant writ petition has been filed by the daughter of a deceased employee, seeking a mandamus to disburse the family pension of deceased employee for the petitioner between 19.03.2008 to 04.12.2023.

2. A perusal of the records reveals that one Suriyan was employed as a watchman in Inam Karur Municipality and he attained superannuation on 31.03.1995. The said employee was receiving pension till 19.03.2008. After the death of the said employee, a dispute arose between one Poonjammal who claimed to be the 1st wife of the deceased employee and one Ramayee, who claimed to be the 2nd wife of the deceased employee. Therefore, the family pension was not disbursed between Poonjammal and Ramayee.

3. The said Poonjammal had filed Succession O.P.No.15 of 2023 before the District Court, Karur to issue a succession certificate to the effect that she alone is entitled to draw the family pension of the deceased employee namely Suriyan. After, the Succession O.P.No.15 of 2023 was allowed by the learned Principal District Judge, Karur on 19.10.2023 by issuing succession certificate in favour of the said Poonjammal.



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4. After orders were passed in the Succession O.P.No.15 of 2023, the said Poonjammal had passed away on 04.12.2023. The present writ petitioner is the daughter of the said Poonjammal. The writ petition has been filed seeking disbursement of arrears of family pension from the date of death of Suriyan till the date of death of Poonjammal.

5. According to the learned counsel appearing for the petitioner, after the death of Poonjammal, the writ petitioner and her brother are entitled to equally share the arrears of family pension. Since the same was not disbursed, the present writ petition has been filed seeking a mandamus to disburse family pension for the period between 19.03.2008 and 04.12.2023, as per the order in Succession O.P.No.15 of 2023 dated 19.10.2023.

6. The learned Additional Government Pleader appearing for the respondents had contended that after the orders were passed in the Succession O.P.No.15 of 2023 dated 19.10.2023, neither Poonjammal nor the petitioner have approached the authorities seeking disbursement of family pension. Unless, such application emanates from the legal heir of the deceased employee Poonjammal, the arrears of family pension cannot be disbursed.



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7. In the light of the above said deliberations, the following orders are passed:-

- (a) The petitioner and her brother Arasu are directed to make an application to the 3rd respondent seeking arrears of family pension along with a order copy of the Succession O.P.No.15 of 2023 dated 19.10.2023, legal heirship certificate of deceased Poonjammal, and the death certificate of Poonjammal within a period of two (2) weeks from the date of receipt of a copy of this order;
- (b) On receipt of documents, the 3rd respondent is directed to pass orders disbursing the family pension to the writ petitioner and her brother namely Arasu equally within a period of twelve (12) weeks from the date of receipt of applications along with the enclosed documents;



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8. The writ petition stands disposed of with the above observations and directions. No costs.

28.01.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
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R.VIJAYAKUMAR, J.

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