



W.P.(MD)No.15984 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.15984 of 2025

Selvarani

... Petitioner

-VS-

- 1.The Accountant General (Accounts & Entitlements),
Lekha Pariksha Bhavan,
361, Anna Salai, Teynampet,
Chennai - 600018.
- 2.The District Educational Officer (Primary Education),
O/o. District Education Office, Madurai.
- 3.The Assistant Elementary Educational Officer,
O/o. Assistant Elementary Educational Office,
Kottampatti Office at Karungalakudi,
Melur Taluk, Madurai District.
- 4.The Block Educational Officer,
O/o. Block Educational Office,
Kottampatti, Madurai District.

5.Suryakala

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 herein to disburse the family pension of the petitioner's deceased husband Chandrasekaran, vide order



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in PPO No. R1908260 to the petitioner based on the order passed in S.O.P.No.1 of 2023 (O.P.No.100 of 2023) on the file of the learned Sub Judge, Melur, Madurai District, by considering the petitioner's representation dated 08.01.2025, within stipulated time fixed by this Court.

For Petitioner : Mr.S.Vanchinathan
For R1 : Mr.P.Gunasekaran
Standing Counsel
For R2 to R4 : Mr.M.Siddharthan
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking a direction to the respondents 1 to 3 to disburse the family pension of the petitioner's deceased husband, Chandrasekaran, as per the Pension Payment Order (PPO) No.R1908260, in favour of the petitioner, based on the order passed in S.O.P.No.1 of 2023 (O.P.No. 100 of 2023), on the file of the learned Sub Judge, Melur, Madurai District, by considering the petitioner's representation dated 08.01.2025.

2. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.



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3. Since no adverse orders are going to be passed against the fifth respondent, notice to the fifth respondent is hereby dispensed with.

4. According to the petitioner, she is the legally wedded wife of the deceased Chandrasekaran, having married him on 10.02.1989. They had no issues. The petitioner's husband was employed as a Government Teacher and at the time of his retirement on 30.11.2012, he held the post of Headmaster at Panchayat Union Primary School, Chokalingapuram, Madurai District. He passed away on 05.06.2016 at the Government Medical College Hospital, Theni.

5. After his death, the fifth respondent falsely claimed to be the wife and nominee of the deceased and unlawfully received his terminal benefits from the third respondent by misrepresenting herself as the sole legal heir. The fifth respondent also entered her name in the pension records, thereby, projecting herself as the wife of the deceased. However, her petition for a succession certificate in S.O.P.No.8 of 2017 (renumbered as S.O.P.No.1 of 2023) was dismissed on merits by the Sub-Court, Melur, after a full-fledged trial. Despite the said dismissal, the respondents 1 to 3 have failed to take any steps to disburse the family pension to the petitioner, who is the lawful legal heir and wife of the



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deceased employee. Though the fifth respondent has filed an appeal in C.M.A. (MD)SR.No.90386 of 2024, no interim stay or order has been granted by this Court. The petitioner has also made a representation dated 08.01.2025, requesting disbursement of the family pension, which remains unconsidered by the authorities. In these circumstances, the petitioner is constrained to file the present writ petition, seeking appropriate directions for the disbursement of the family pension in her favour.

6. Heard the learned counsel appearing for the parties.

7. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.



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8. In the light of the above observations, there shall be a direction to the respondents 1 to 4 herein to consider the petitioner's representation dated 08.01.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the fifth respondent, within a period of two months from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the respondents 1 to 4 to consider the same on its own merits.

9. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

NCC : Yes / No
Index : Yes / No
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18.06.2025

To:-

- 1.The Accountant General (Accounts & Entitlements),
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VIVEK KUMAR SINGH, J.

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