

WEB COPY

WP NO. 5328 OF 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2026

CORAM

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR**

**W.P.NO.5328 OF 2025
AND
WMP NO.5906 OF 2025**

1.Union of India

Rep. By the Divisional Railway Manager (DRM)
Southern Railway
Madurai Railway Division
Madurai.

2.The Divisional Personnel Officer

Southern Railway
Divisional Officer (Personnel Branch)
Madurai Railway Division
Madurai.

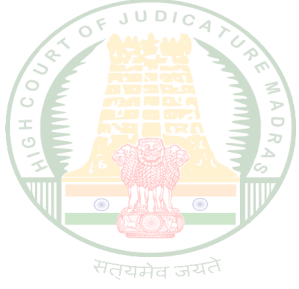
... Petitioners

Vs.

Muthulakshmi

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records pertaining to order of the Tribunal made in O.A.No.433 of 2023 dated 24.11.2023 by the Central Administrative Tribunal, Chennai Bench, Chennai and quash the same.



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For Petitioners : Mr.AR.L.Sundaresan
Additional Solicitor General
Assisted by Dr.G.Babu

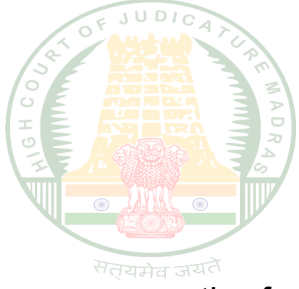
For Respondent : Mr.B.Gopalakrishnan

ORDER

(Order of the Court was made by S.M.Subramaniam J.)

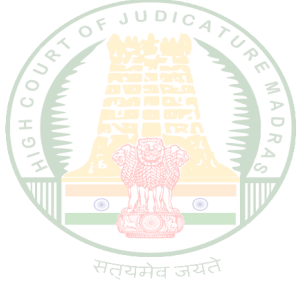
The order of the Central Administrative Tribunal, Chennai Bench, Chennai, dated 24.11.2023 passed in O.A.No.433 of 2023 is under challenge at the instance of the Union of India, represented by the Divisional Railway Manager (DRM), Southern Railway. The *lis* on hand relates to grant of family pension to the divorced daughter.

2.The facts in nutshell are that the father of the respondent namely T.Uthandan retired from service on 10.09.1999 on attaining the age of superannuation. Pension Payment Order was issued and he was receiving pension. He died on 01.08.2007. Consequently, family pension was sanctioned in favour of his wife Smt.U.Mariammal. The family pensioner died on 09.07.2015. Admittedly, no decree of divorce was in force either during the lifetime of the pensioner or the family pensioner, or on the date of the death of the pensioner or the family pensioner.



3. After a lapse of about three years from the date of death of the family pensioner, the respondent filed a petition in HMOP No.153 of 2018 against her husband, seeking a decree of divorce. An *ex-parte* decree of divorce was passed by the Competent Court on 12.02.2019. The writ petitioners have rejected the claim of the respondent for grant of family pension on the ground that as on the date of death of the pensioner / family pensioner, the respondent was not a divorced daughter of the deceased employee and therefore, she is not eligible for family pension.

4. The pension / family pension ought to be granted strictly in accordance with the terms of the Pension Scheme. Grant of family pension to the divorced daughter is a concession extended under the Pension Scheme by the Government of India. Thus, the eligibility criteria is to be scrupulously followed for the purpose of grant of family pension. In this regard, the Office Memorandum issued by the Government of India, Ministry of Personnel, P.G. & Pension, Department of Pension & Pensioners' Welfare, dated 19.07.2017 stipulates the eligibility criteria which reads as under:



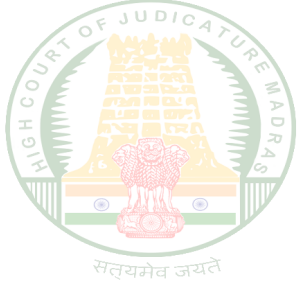
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“4.It was clarified that a daughter if eligible, as explained in the preceding paragraph, may be granted family pension provided she fulfils all eligibility conditions at the time of death / ineligibility of her parents and still on the date of her turn to receive family pension comes. Accordingly, divorced daughters who fulfil other conditions are eligible for family pension if a decree of divorce had been issued by the competent court during the life-time of at least one of the parents.

5.This department has been receiving grievances from various quarters that the divorce proceedings are a long drawn procedure which take many years before attaining finality. There are many cases in which the divorce proceedings of a daughter of a Government employee / pensioner had been instituted in the competent court during the life time of one or both of them but none of them was alive by the time the decree of divorce was granted by the competent authority.

6.The matter has been examined in this department in consultation with Department of Expenditure and it has been decided to grant family pension to a divorced daughter in such cases where



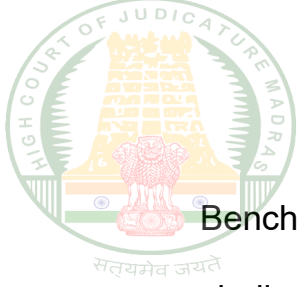
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the divorce proceedings had been filed in a competent court during the life-time of the employee / pensioner or his/her spouse but divorce took place after their death – provided the claimant fulfils all other conditions for grant of family pension under rule 54 of the CCS (Pension) Rules, 1972. In such cases, the family pension will commence from the date of divorce.”

5.The facts of the present case would show that the pensioner died on 01.08.2007 and the family pensioner died on 09.07.2015 and the Matrimonial Original Petition in HMOP No.153 of 2018 was filed after a lapse of three years from the date of death of the family pensioner and an *ex-parte* decree of divorce was passed on 12.02.2019. In view of the said factum, the case of the respondent is not falling within the ambit of the eligibility criterial and therefore, the order of the Central Administrative Tribunal is running counter to the terms and conditions stipulated under the Pension Scheme for grant of family pension to the divorced daughter.

6.In view of the facts and circumstances, the order dated 24.11.2023 passed by the Central Administrative Tribunal, Chennai



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Bench is set aside and the writ petition stands allowed. However, there shall be no order as to costs. Consequently, connected writ miscellaneous petition is closed.

[S.M.S., J.]

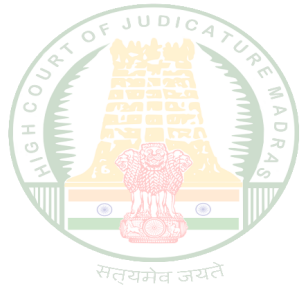
[N.S., J.]

15.07.2026

Index : Yes
Speaking Order : Yes
Neutral Citation : Yes
TK

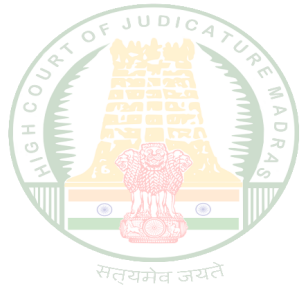
To

The Central Administrative Tribunal
Chennai Bench
Chennai.



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N.SENTHILKUMAR, J.

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