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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-07-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WA No. 3464 of 2025

Rasathi
W/o. Late Thangaraj,
2/76, Kattur Village,
Thirumalai Naikanpalayam,
Palladam Taluk, Tirupur District.

..Appellant(s)

Vs

1. The State of Tamilnadu
   Rep. by its Secretary,
   Revenue and Disaster Management
   Department, Fort St. George,
   Chennai – 600009.

2. The District Collector
   District Collectors Office,
   Tirupur District, Tirupur 641 604.

3. Accountant General (A and E)
   361, Anna Salai, Teynampet, Chennai 018.

..Respondent(s)

Prayer: Appeal filed under clause 15 of Letters Patent to set aside the order passed in WP No.5769 of 2025 dated 04.07.2025 on the file of this Court and allow the present Writ Appeal.

For Appellant(s): Mr.D.Anandraja

For Respondent(s): Dr.R.Gouri,
Government Counsel (for R1 & R2)

Mr.A.N.R.Jayaprathap,
Standing Counsel for R3

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JUDGMENT

(Judgment of the Court was delivered by S.M.Subramaniam J.)

The writ order dated 04.07.2025 passed in WP No.5769 of 2025 is under challenge in the present Writ Appeal.

2.The Writ Petitioner is the Appellant before this Court. The Writ of Mandamus has been instituted to grant family pension.

3.The husband of the Appellant viz., late A.Thangaraj was appointed as Village Assistant in the year 1959 and retired from service on 30.06.2006. He was receiving a special monthly pension of Rs.150/- together with admissible Dearness Allowance, which was granted as a special pension, since he was not qualified for regular pension. The husband of the appellant has completed the qualifying service of 8 years, 9 months and 17 days. As per Rule 11 of the Tamil Nadu Pension Rules, 10 years is the minimum qualifying service for grant of regular pension. Since the husband of the appellant had not completed 10 years of minimum qualifying service for grant of regular pension, the Government considered and granted special monthly pension of Rs.150/- with allowance. The said pension was being disbursed till the death of the deceased employee in the year 2020. Thereafter, the appellant submitted an application seeking family pension. The authorities considered the application and found that as per the rules, the deceased employee is not eligible for family pension, since he was not receiving regular pension for want of

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minimum qualifying service as contemplated under the Tamil Nadu Pension Rules, 1978.

4.The respondents filed a counter affidavit stating that the post of Village Assistant was a part time honorarium based employment and it was not a pensionable post. The post was not falling under the pensionable establishment. However, the services of these part time Village Assistants were subsequently regularised in sanctioned post and therefore, the qualifying services of these employees were reckoned from their date of regularization in the sanctioned post in the time scale of pay. Accordingly, the deceased/ husband of appellant served 8 Years, 9 months and 17 days. Considering these facts, a special monthly pension was granted which will not be a ground to grant family pension, which is to be granted only if a regular pension was sanctioned to the Government servant.

5.The writ Court has applied the pension rules in proper perspective and in the context of the facts of the case and thus there is no infirmity in the order passed by the writ Court. Consequently, the Writ Appeal stands dismissed. No costs.

(S.M.S.,J.) (N.S.,J.)
02-07-2026

Index: Yes
Speaking/Non-speaking order
Neutral Citation: Yes/No

sai

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S.M.SUBRAMANIAM J.
AND
N.SENTHILKUMAR J.
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To

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