

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED : 26.09.2016  
CORAM  
THE HONOURABLE MR. JUSTICE R.SUBBIAH  
Writ Petition No.33169 of 2016

P.Mangalakshmi

... Petitioner

Vs.

- 1 The Union of India  
Rep. by Department of Food and  
Public Distribution  
Krishi Bhavan  
New Delhi-110 001.
  - 2 The Regional Director(Food)  
Southern Region  
Food Corporation of India  
No.3, Haddows Road  
Chennai-6.
  - 3 The Food Corporation of India  
(Zonal Office)  
Rep. by its Manager  
No.3, Haddows Road  
Chennai-6.
- .... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to sanction and pay family pension of her father Late Mr.Radha, Picker under PPO. No.036879601176 was working in the respondent Corporation which was subsequently received by her mother as per the Central Civil Services Pension Rules from the date of her mother death i.e. On 7.11.2013.

For Petitioner : Mr.K.Sudalaikannu  
For Respondents : Mr.S.Arockiam,  
ACGSC, for R.1

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the respondents to sanction and pay family pension of her father Late Radha, Picker under PPO. No.036879601176, who was working in the respondent Corporation, which was subsequently received by her mother as

per the Central Civil Services Pension Rules from the date of death of her mother i.e. on 7.11.2013.

2. It is the case of the petitioner that her father late Radha was working in the respondent corporation as a Picker from 31.8.1960 and after completion of 36 years of service, he retired on 30.11.1996. After retirement, he received pension. While so, he died on 27.9.1997 leaving behind his wife and his children including the petitioner herein. After his death, the petitioner's mother received the pension. Thereafter, the petitioner's husband died on 1.4.1989 leaving behind the petitioner and her three children. After the death of her husband, the petitioner and his children are fully depending upon her father's family pension. Due to her mother's ill, the petitioner sent a letter dated 25.8.2011 to the second respondent requesting him to sanction family pension to her after her mother's death. Meanwhile, her mother died on 7.11.2013 leaving behind the petitioner and her three children. Immediately, she sent a letter dated 9.12.2013 to the second respondent to sanction and pay pension. However, till date, no action was taken in this matter. Hence, left with no other alternative, the petitioner has come up with the present writ petition.

3. Today, when the matter was taken up for consideration, learned counsel appearing for the petitioner, by relying upon the office memorandum dated 11.9.2013 issued by the Government of India, Ministry of Personnel, P.G. and Pensions, Department of Pension and Pensioner's Welfare and Rule 54(8) (i) of the Regulation of Amounts of Pension, submitted that the Government of India, Department of Pension and Pensioner's Welfare, has issued an Office Memorandum clarifying the extension of scope of family pension to widowed daughter of Central Government Servants with effect from 30.8.2004, wherein the Government clarified that the widowed daughter of a Government servant will be eligible for family pension. Thus, he prays for a direction to the respondents to sanction and pay the family pension to the petitioner.

4. I have also heard the learned Additional Central Government Standing Counsel, appearing for the first respondent. In view of the limited order to be passed hereunder, this Court is of the view that notice is not necessary to the respondents 2 and 3.

5. Though the petitioner prayed for a larger relief, instead of giving such a positive direction, I am of the opinion, it would be appropriate to direct the second respondent to consider the case of the petitioner in the light of the office memorandum dated 11.9.2013 issued by the Government of India, Ministry of Personnel, P.G. and Pensions, Department of

Pension and Pensioner's Welfare and Rule 54(8) (i) of the Regulation of Amounts of Pension.

6. Accordingly, without going into the merits of the claim made by the petitioner, this Court directs the petitioner to give a detailed representation to the second respondent along with a copy of this order, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the second respondent is directed to consider the same and pass appropriate orders on merits and in accordance with law and also in the light of office memorandum dated 11.9.2013 issued by the Government of India, Ministry of Personnel, P.G. and Pensions, Department of Pension and Pensioner's Welfare as well as Rule 54(8) (i) of the Regulation of Amounts of Pension, within a period of four weeks thereafter. The writ petition is disposed of accordingly. No costs.

-s/d-  
Assistant Registrar

True Copy

Sub-Assistant Registrar

sbi

To

1 The Union of India  
Department of Food and  
Public Distribution  
Krishi Bhavan, New Delhi-110 001.

2 The Regional Director(Food)  
Southern Region  
Food Corporation of India  
No.3, Haddows Road, Chennai-6.

3 The Manager  
The Food Corporation of India  
(Zonal Office)  
No.3, Haddows Road  
Chennai-6.

+1 cc to Mr.K.Suddalai Kannu Advocate sr 54820  
+1 cc to Mr.S.Arockiam Advocate sr 54585

W.P.No.33169 of 2016

rsy(co)  
aa02/11/2016