



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2016

CORAM:

WEB COPY

THE HONOURABLE Mr.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.24027 of 2016

J.Josephine Jenifer

... Petitioner

Vs.

The Accountant General (Accounts & Entitlements),
No.361, Anna Salai,
Teynampet,
Chennai 600 018.

... Respondent

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to sanction family pension to the petitioner from 26.12.2013 onwards with interest at the rate of 24% per annum.

For Petitioner : Mr.R.Vijayakumar
For Respondent : Mr.P.Gunasekaran

O R D E R

This Writ petition has been filed to issue a Writ of Mandamus, directing the respondent to sanction family pension to the petitioner from 26.12.2013 onwards with interest at the rate of 24% per annum.

2.The case of the petitioner is that her mother, who was working as Headmaster in a Panchayat Union Elementary School, Allikkottai, Ramanthapuram District, died on 10.09.2008 while she was in service. At the time of death of her mother, the petitioner was 12 years old. After the death of the petitioner's mother, the family pension of the petitioner's mother has been sanctioned to her father. Unfortunately, her father also died on 14.06.2011 and at that time, the petitioner was only 15 years old. Therefore, the petitioner filed a petition in G.W.O.P.No.9 of 2012 before the District Court, Sivagangai for getting family pension to her through her legal guardian. Accordingly, by order dated 15.10.2012 the District Court has ordered to grant family pension to the petitioner through her grandmother namely, J.Regina Mary. On 25.12.2013, the petitioner attained majority. However, the department, instead of paying the family pension directly to the petitioner, has stopped the same. Hence, the petitioner made a request to the respondent for granting family pension directly to her. For sanction family pension to the petitioner, the respondent insisting her to produce income certificate.



3.The grievance of the petitioner is that she is now studying B.E. 4th year and staying in Hostel and she did not possess any assets or income. In this situation, when the petitioner approached the revenue authorities for getting income certificate, they denied to issue the same. Hence, the petitioner sent an application on 21.06.2016 to the respondent under Right to Information Act in order to know about the stage of her family pension proposal. The respondent by a reply on 19.07.2016 stating that without submitting income certificate, the family pension would not be paid to the petitioner. Hence, the petitioner is before this Court with the aforesaid prayer.

4.The learned counsel for the petitioner would submit that as per pension rules, the petitioner, who is a girl, is entitled to get family pension till she attains the age of 25 or till she gets marriage, whichever is earlier. He further submitted that without money the petitioner is unable to pay fees.

5.The learned standing counsel for the respondent submitted that the respondent will sanction the family pension to the petitioner, if the petitioner resubmit her application with necessary documents.

6.Heard the learned counsel for the petitioner and the learned standing counsel appearing for the respondent.

7.Taking note of the submission made on either side, the petitioner is directed to resubmit her application for granting family pension within a period of one week from the date of receipt of a copy of this order and on receipt of the same, the respondent shall proceed further and settle the pension due to the petitioner, without insisting the income certificate, within a period of 4 weeks from the date of receipt of a copy of this order.

The Writ petition is disposed of accordingly. No costs.

Sd/
Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar.

To
The Accountant General (Accounts & Entitlements),
No.361, Anna Salai, Teynampet, Chennai 600 018.
+1CC to M/S.P.Gunasekaran, Advocate, SR.No. 81717
+1CC to M/S.V.Panneer Selvam, Advocate, SR.No. 81409

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