



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD).No.1236 of 2018

P.Peter Danian Raj

...Petitioner

Vs.

1.The Accountant General,
Office of the Principal Accountant General
(Accounts and Entitlement),
Tamil Nadu, Annasalai,
Chennai-10.

2.The Treasury Officer,
The Treasury Office,
Nagercoil,
Kanyakumari District.

3.The Sub Treasury Officer,,
Sub Treasury Office, Vilavancode,
Kanyakumari District.

... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to pay the family pension to the petitioner who is physically challenged as per the Sub-rule (6) (iii) of Rule 49 of the Tamil Nadu Pension Rules, 1978, till the petitioner's lifetime by considering the representation of the petitioner dated 29.11.2017 within a time frame that may be stipulated that may be fixed by this Court.

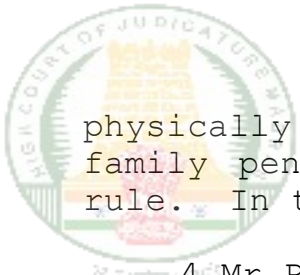
For Petitioner : Mr.S.C.Herold Singh
For Respondents : Mr.P.Gunasekaran

ORDER

Heard the learned counsel on either side.

2.By consent of both the parties, the main Writ Petition is taken up for final disposal.

3.The petitioner's father was employed in the Police Department. He retired as Police Constable on 31.05.1986. He passed away on 04.04.2015. The question is whether the petitioner is entitled to receive family pension following the death of his father. As per the Sub-rule (6) (iii) of Rule 49 of the Tamil Nadu Pension Rules, 1978, if the son or daughter of the Government Servant is suffering from any disorder or disability of mind, or is



physically crippled or disabled, he or she would be entitled to family pension and certain conditions are stipulated in the said rule. In this case, the petitioner fulfils the said conditions.

4. Mr. P. Gunasekaran, learned counsel, appearing for the first respondent would submit that the petitioner must furnish certain certificates. If such certificates are furnished, there cannot be any impediment for granting family pension to the petitioner.

5. Taking note of the aforesaid submission, the petitioner herein is permitted to submit the said certificates to the third respondent together with prescribed application.

6. The learned counsel for the petitioner submits that such certificates will be submitted on 16.02.2018.

7. The third respondent is directed to forward the same forthwith to the first respondent.

8. The learned Counsel for the respondents fairly submits that within a month thereafter, the first respondent shall disburse the family pension to the petitioner.

9. It is made clear that the petitioner will be entitled to such benefits from the date of death of his father.

10. With these directions, the Writ Petition stands allowed. No costs.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Accountant General,
Office of the Principal Accountant General
(Accounts and Entitlement), Tamil Nadu, Annasalai, Chennai-10.
2. The Treasury Officer, The Treasury Office, Nagercoil,
Kanyakumari District.
3. The Sub Treasury Officer, Sub Treasury Office, Vilavancode,
Kanyakumari District.

+1CC to Mr. P. Gunasekaran, Advocate, SR.No. 45878

+1CC to Mr. S. C. Herold Singh, Advocate, SR.No. 45855

+1CC to the Special Government Pleader SR.No. 46205

W.P. (MD) .No.1236 of 2018
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