



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

W.P. (MD) No. 1460 of 2018

K.Arulmozhi

.. Petitioner

Vs.

1.The Joint Director of Health Service,
The Niligiris @ Uthagamandalam,
Uthagamandalam.

2.The Principal Accountant General,
(Accounts & Entitlement),
Tamil Nadu,
261, Anna Salai,
Chennai 600 018.

.. Respondents

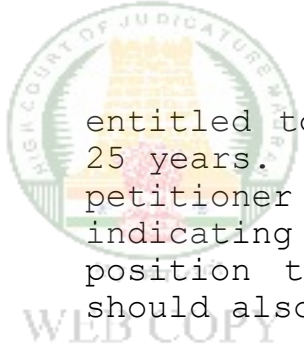
PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to sanction the family pension in favour of our mentally retarded/mentally disabled daughter A.Subashini and permit the petitioner to receive the same from the respondents and to submit necessary accounts and other details to the petitioner.

For petitioner	: Mr. J.Sanjey Vignesh
For respondent No.1	: Mr. K.Saravanan Government Advocate
For respondent No.2	: Mr. J.Gunaseelan Muthiah Additional Government Pleader

O R D E R

Heard the learned Counsel on either side.

2. The petitioner is a retired employee of Tamil Nadu Electricity Board. His wife was working as Medical Officer at Government Primary Health Centre, Manjoor, Nilgiris. She died on 28.03.1990. The petitioner has three children born through his wife. One of his female children namely A. Subashini is mentally retarded/mentally disabled since birth. The petitioner's child is entitled to family pension. In fact the petitioner's child was receiving family pension up to 11.08.2004. Thereafter the family pension is not being disbursed. In fact the petitioner has three children. All the three children were getting their family pension till they reached the age of majority. But then, the A.Subashini is



entitled to notwithstanding that she crossed the biological age of 25 years. When a request was made the first respondent informed the petitioner that the petitioner must produce medical certificate indicating that Subashini is incapacitated and she is not in a position to earn for her livelihood and guardianship certificate should also be furnished.

3. This Court is of the view that the insistence on medical certificate is reasonable. Guardianship certificate is not necessary in this case. The person seeking grant of family pension, is none other than the biological father, who has been receiving all along. The learned counsel for the petitioner submits that medical certificate as sought for had already been furnished.

4. Therefore, this Court directs the respondents to sanction family pension in favour of the child Subashini and permit the petitioner to receive the same from the respondents on behalf of the child. Sanction order shall be passed within a period of eight weeks from today.

5. This Writ petition is allowed accordingly. No costs.

Sd/-

Assistant Registrar (AE)

/True copy/

Sub Assistant Registrar

To:

1.The Joint Director of Health Service,
The Niligiris @ Uthagamandalam,
Uthagamandalam.

2.The Principal Accountant General,
(Accounts & Entitlement),
Tamil Nadu,
261, Anna Salai,
Chennai 600 018.

+1cc to Mr.J.SANJAY VIGNESH,Advocate,SR. 51859

+1cc to M/S.Special Government Pleader,SR. 51934

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