



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.09.2018

CORAM:

WEB COPY

THE HONOURABLE Mr.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.19565 of 2018

D.Merlin Tharmashipala

... Petitioner

Vs.

1.The Accountant General,
No.361, Anna Salai,
Thenampettai,
Chennai 600 018.

2.The District Collector,
Nagercoil,
Kanyakumar District.

3.The District Educational Officer,
Kulithurai,
Marthandam Post,
Kanyakumari District.

4.The Head Master,
Government Higher Secondary School,
Kaliyakavilai 629 153,
Kanyakumari District.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the third respondent in Mu.Mu.47/A3/2018 dated 25.06.2018 and to quash the same as illegal and for consequential direction directing the third respondent to sanction the petitioner's mother's family pension for the inability of her handicapped situation.

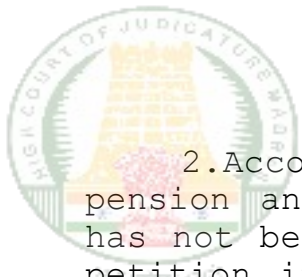
For Petitioner : M/s.M.Punitha Devakumar

For Respondents : Mr.P.Gunasekaran for R1

Mrs.S.Srimathi, Spl.G.P.for R2 to R4

O R D E R

The petitioner has come forward with the present Writ petition to issue a Writ of Certiorarified Mandamus, to quash the proceedings of the third respondent in Mu.Mu.47/A3/2018 dated 25.06.2018 as illegal and consequently, direct the third respondent to sanction the petitioner's mother's family pension.



2. According to the petitioner, she is entitled to get family pension and that earlier when her representation dated 05.02.2018 has not been considered, she has moved this Court by filing a Writ petition in W.P.(MD)No.8416 of 2018 and this Court by order dated 18.04.2018 directed the respondents therein to consider the representation of the petitioner for granting family pension to her.

3. Pursuant to the said order of this Court, the present impugned order has been passed rejecting the request of the petitioner on the ground that she has already married.

4. When the matter is taken up for hearing, Mr.P.Gunasekaran learned counsel for the first respondent invited the attention of this Court to Rule 49 of the Tamil Nadu Pension Rule, 1978.

5. In view of the above said provision, family pension is extended to the daughters and other dependents provided that they are not married. Even if the physically challenged person has got married, the family pension will be stopped and such daughter is not entitled for pension from the date on which she gets married.

6. The affidavit is very silent with regard to the marriage of the petitioner except the fact that she mentioned her name in the cause title as Mrs.D.Merlin Tharmashipala. Further, she has not made any averment in the affidavit as she is not married. Hence, it is clear that the petitioner is a married person.

7. In view of the aforesaid Rule 49 of the Tamil Nadu Pension Rules, the petitioner, if married, will not be entitled to the relief sought for in this Writ petition. Accordingly, this Writ petition is dismissed. No costs.

Sd/-
Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

1. The Accountant General,
No.361, Anna Salai,
Thenampettai,

<https://hcservices.ecourts.gov.in/hcservices/>
Chennai 600 018.



2.The District Collector,
Nagercoil,
Kanyakumar District.

3.The District Educational Officer,
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4.The Head Master,
Government Higher Secondary School,
Kaliyakavilai 629 153,
Kanyakumari District.

+ 1 CC TO Mr.M.PUNITHA DEVAKUMAR, ADVOCATE IN SR No. 85395
+ 1 CC TO Mr.P.GUNASEKARAN, ADVOCATE IN SR No. 84715
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 84727

NBJ

TE/SV/SAR-4 : 30/11/2018 : 3P/8C

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