



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.17246 of 2013

K.Gomathi

... Petitioner

Vs.

1. The Account General (A & E),
Office of the Accountant General,
Theynampet,
Chennai District-600 018.

2. The District Treasury Officer,
Virudhunagar District Treasury,
Virudhunagar District.

3. The Assistant Treasury Officer,
Sub Treasury Office,
Rajapalayam,
Virudhunagar District.

... Respondents

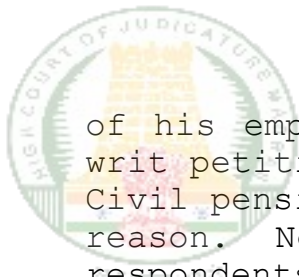
Prayer: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to pay arrears of civil family pension to the petitioner from 05.08.1988 to 31.01.1991 and 06.01.1996 to till date by restoring the civil family pension to the petitioner.

For Petitioners	: Mr.H.Arumugam
For 1 st Respondent	: Mr.R.Gunasekaran
For Respondents 2 & 3	: Mr.R.Sethuraman
	Special Government Pleader

ORDER

The relief sought for in this writ petition is for a direction to direct the respondents to pay arrears of civil family pension to the petitioner from 05.08.1988 to 31.01.1991 and 06.01.1996 to till date by restoring the civil family pension to the petitioner.

2.The husband of the petitioner late Shri. C.Krishnan was an Ex-Serviceman and served in Indian Army from they year 1957 to 1973. After his retirement, he joined in Civil Service in Health Department and he worked as an M.N.A.(Male Nursing Assistant) in Government Hospital at Rajapalayam from 1976 to 1988. The husband of the writ petitioner passed away on 04.08.1988, during the course



of his employment. At the time of demise of the husband of the writ petitioner two pensions were sanctioned namely Army pension and Civil pension. However, the same was not continued without any valid reason. Now the learned counsel appearing on behalf of the respondents brought to the notice of this Court that the Government accepted the sanction of dual family pension for families of defence personnel and the order was issued in G.O.Ms.No.290, Public (Ex-servicemen) Department dated 05.04.2017. As per the said Government order, the Government has decided to accept the proposal of the Joint Director (i/c), Directorate of Ex-ServiceMen's Welfare and accordingly the order passed sanctioning of Dual Family pension to those families of Ex-Servicemen who are re-employed in Civil (i.e.) State Government Service and earned a pension out of the re-employment prior to 01.04.2013 (i.e.) before the introduction of the Contributory Pension Scheme, in addition to Military Family Pension already drawn by them.

3. In view of the Government order, the case of the writ petitioner is to be considered and the writ petitioner is accordingly eligible to draw dual family pension. In view of the Government order, the respondents are directed to pay the arrears of Civil family pension to the writ petitioner as per the service records of the husband of the writ petitioner and such an exercise of sanctioning and disbursement of arrears of family pension is to be done within a period of 12 weeks from the date of receipt of a copy of this Order. Accordingly, this writ petition stands allowed. No costs.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

1. The Account General (A & E),
Office of the Accountant General,
Theynampet,
Chennai District-600 018.
2. The District Treasury Officer,
Virudhunagar District Treasury,
Virudhunagar District.
3. The Assistant Treasury Officer,
Sub Treasury Office,
Rajapalayam, Virudhunagar District.

- + 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 52029
- + 1 CC TO Mr.H.ARUMUGAM, ADVOCATE IN SR No. 51846
- + 1 CC TO Mr.P.GUNASEKARAN, ADVOCATE IN SR No. 51764

VSG

<https://hcservices.ecourts.gov.in/hcservices/>

TE/SKN-RSK/SAR-1 : 26/03/2018 : 2P/7C

W.P.(MD) No.17246 of 2013
27.02.2018