

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 25-02-2019
CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No.4128 of 2019

Miss.N.Poorna

.. Petitioner

- Vs. -

- 1.The Pension Pay Officer,
Pension Pay Office,
Accountant General (Accounts and Entitlements),
Anna Salai,
Teynampet,
Chennai-600 018.
- 2.The Joint Director of Collegiate Education,
Chennai Region,
Saidapet,
Chennai-600 015.
- 3.The Secretary and Correspondent,
Loyola College,
Nungambakkam,
Chennai-600 034.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the second respondent herein to sanction the family pension monthly payable to the petitioner's father late Sri N.M.Narayanan with effect from 7.9.2017 with a revised pension amount fixed on 11.10.2017 is Rs.42,479.40 per month as on date and pay a sum of Rs.50,000/- as death compensation and direct the first respondent to pay the monthly pension amount to the petitioner at her S.B.A/c No.0940101032985, Canara Bank, Kovalam Road Branch, Kelambakkam 603 103, by disposing of the petitioner's representation dated 30.10.2018 sent to the first respondent herein.

For Petitioner : Mr.G.Nagarajan
For Respondents-1&2 : Mr.V.Kathirvelu,
Special Government Pleader.

For Respondent-3 : Mr.P.Godson Swaminathan for
M/s. Isaac Chambers

O R D E R

The grievance of the writ petitioner is that though the writ petitioner is eligible for family pension as per the Government Orders, the said benefit is not considered by the authorities competent.

2. The learned counsel for the writ petitioner relied on the Government Order issued in G.O.Ms.No.325, Finance (Pension) Department, dated 28.11.2011 and submits that as per the said Government Order, the writ petitioner is not having any income and therefore, she is entitled for family pension.

3. This apart, the writ petitioner is an unmarried daughter of the deceased employee and therefore, she is entitled to get family pension as per the above G.O.Ms.No.235, Finance (Pension) Department, dated 28.11.2011.

4. In this regard, the writ petitioner has to establish that she is not having any other source of income for the purpose of considering her case for grant of family pension in accordance with the Government Order, cited supra. Such an exercise is to be done by the authorities competent by conducting an enquiry and by verifying the available records.

5. Under these circumstances, without going into the merits of the matter, the first respondent is directed to consider the representation submitted by the writ petitioner on 30.10.2018 and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. The writ petitioner is directed to enclose the copy of the abovesaid representation and all other relevant documents, if any, along with the order passed in this writ petition.

6. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Svn

To

1.The Pension Pay Officer,
Pension Pay Office,
Accountant General (Accounts and Entitlements),
Anna Salai,
Teynampet,
Chennai-600 018.

2.The Joint Director of Collegiate Education,
Chennai Region,
Saidapet,
Chennai-600 015.

+1cc to M/s. Isaac Chambers, Advocate sr.no.17980
+1cc to Mr.G.Nagarajan, Advocate sr.no.16933
+1cc to Government Pleader sr.no.17649

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