

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :18.03.2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.7367 of 2019

R.Murugesan

..Petitioner

vs

1.The District Collector,
The Collectorate office,
Cuddalore & Cuddalore District.

2.The Block Development Officer
The Block Development Office,
Mangalore, Cuddalore District.

3.L.Pachaiyammal

4.L.Bharathiraja

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing to the 1st and 2nd respondents herein to provide the petitioner 50% monetary benefits given for death of his son Loganathan worked in the office of the 2nd respondent by considering his representations dated 26.2.2019.

For Petitioner : Mr.D.Muthuselvam

For Respondents : Mr.R.S.Selvam, Government Advocate
for R1
M/s.P.Rajalakshmi
Additional Government Pleader
for R2

सतयमेव जयते
O R D E R

The relief sought for in the present writ petition is for a direction to direct the 1st and 2nd respondents herein to provide the petitioner 50% monetary benefits given for death of his son Mr.Loganathan worked in the office of the 2nd respondent by considering his representations dated 26.2.2019.

2.The grievances of the writ petitioner is that he is the resident of M.Pudur Village, Veppur Taluk in Cuddalore District and the writ petitioner is 80 years old and his wife, namely, Mrs.Chinnaponnu is 72 years old. The son of the writ petitioner namely, Mr.Loganathan was employed as Office Assistant in the office of the 2nd respondent and he died, while he was in

service.

3.The learned counsel for the writ petitioner states that his daughter-in-law is not taking care of the writ petitioner as well as his wife. Thus, 50% of the pension and family pension with pensionary benefits is to be settled in favour of the writ petitioner.

4.As per the Tamil Nadu Pension Rules 1978, the wife of the deceased employee is entitled to get the family pension and other benefits as per the rules. Non maintenance of senior citizen would not provide a ground for the writ petitioner to claim family pension or pensionary benefits.

5.It is for the petitioner to work out his remedy in the manner known to law. However, this Court cannot grant the relief of dividing the family pension and the pensionary benefits as the Tamil Nadu Pension Rules enumerates that the family pension and pensionary benefits are to be settled in favour of the wife and if there is no wife, then alone, it is to be settled to the other legal heirs.

6.This being the provision of law, the very relief as such sought for in the present writ petition to provide 50% of the monetary benefits of the deceased employee, Mr.Loganathan cannot be provided and his wife alone is entitled to get the family pension and other pensionary benefits as per the Rules in force.

7.Accordingly, the writ petition is devoid of merits and stands dismissed. However, there shall be no order as to costs.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

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To

1.The District Collector,
The Collectorate office,
Cuddalore & Cuddalore District.

2.The Block Development Officer
The Block Development Office,
Mangalore, Cuddalore District.

+1 CC to Govt. Pleader sr 25742.

W.P.No.7367 of 2019

SR(CO)

SP(22/04/2019)