

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2019

CORAM

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P.No.26967 of 2014

Miss.Jaya Grace Ernest

... Petitioner

Vs.

1. Principal Accountant General
(Accounts & Entitlements)
Tamil Nadu,
361, Anna Salai,
Chennai - 600 018.

2. The Superintendent of Police,
Kancheepuram District,
Kancheepuram.

3. Anusuya Daisy Ernest

... Respondents

Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the Impugned order in Legal Cell/RTI-1674/2013-14/2095-185180 dated 28.03.2014 passed by the 1st respondent and quash the same as illegal and direct the 1st and 3rd respondents to grant family pension to the petitioner.

For Petitioner : Jaya Grace Ernest
Party in person

For R1 : M/s.Hema Muralikrishnan

For R2 : Mr.V.Shanmugasundar
Special Government Pleader

For R3 : No Appearance

ORDER

This Writ Petition has been filed to call for the records pertaining to the Impugned order in Legal Cell/RTI-1674/2013-14/2095-185180 dated 28.03.2014 passed by the first respondent

and quash the same and to direct the first and third respondents to grant family pension to the petitioner.

2. The petitioner is the physically challenged and unmarried daughter of Late Ernest Jesudian who served as Additional Superintendent of Police and retired from service on 30.04.1985. The petitioner's mother passed away in the year 1980 and after her death, the petitioner's father remarried one Anusuya Daisy Ernest, who is the third respondent herein. Thereafter, the petitioner's father passed away on 25.12.2010. The petitioner was working as teacher in a private school for about 7 years and due to her health condition, she retired from the said post. The petitioner applied for family pension, which was rejected on the ground that the petitioner has earned more than a sum of Rs.30,000/- per annum. The petitioner again made a representation to the second respondent seeking family pension and thereafter, made an application under Right to Information Act, to know the status of her representation. However, the first respondent issued the impugned order dated 28.03.2014 rejecting her request for family pension. Therefore, the petitioner is before this Court, challenging the said order dated 28.03.2014.

3. The petitioner would submit that as per G.O.Ms.No.325 dated 28.11.2011, she is entitled to get family pension, as she is physically challenged, unmarried daughter of Late Ernest Jesudian and retired from service on 30.04.1985 and also as there is no age limit for claiming family pension.

4. The learned counsel for the first respondent would submit that the petitioner was working and earning more than a sum of Rs.30,000/- per annum and therefore, her application for family pension was rejected by them, but now the petitioner is relying upon the Government Order that there is no age limit for seeking family pension.

5. According to the learned counsel for the first respondent, if any proposal has been submitted by the second respondent, the same shall be considered by the first respondent.

6. The learned Government Pleader appearing for the second respondent would submit the petitioner has satisfied the Government Order in G.O.Ms.No.325 dated 28.11.2011 and if she submit a fresh application to the second respondent along with necessary documents, the same shall be considered by them and as per which, proposal will be sent to the first respondent.

7. Notice served, none appeared for the third respondent.

8. In the light of the above said submissions, the petitioner is directed to submit a fresh application to the second respondent by producing all the necessary documents

within a period of two weeks from the date of receipt of a copy of this order. On receipt of which, the second respondent is directed to consider the same and send proposal to the first respondent within a period of four weeks, after providing opportunity to the parties concerned, if the petitioner is eligible to be considered for family pension, and thereafter, the first respondent is directed to pass appropriate orders as expeditiously as possible.

9. With the above directions, this Writ Petition is disposed of. No costs.

raja

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Principal Accountant General
(Accounts & Entitlements)
361, Anna Salai,
Chennai - 600 018.

2. The Superintendent of Police,
Kancheepuram District,
Kancheepuram.

+3cc to Miss.Jaya Grace Ernest, Party-in-person,
SR.No.32587& 33211

+1cc to M/s.Hema Muralikrishnan, Advocate, SR.No.33686

+1cc to the Govt.Pleader, Vide Sr.No.33412

Kak(30/04/2019)

W.P.No.26967 of 2014

WEB COPY