



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :30.10.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.30642 of 2019

Miss. R. Rajeswari

... Petitioner

vs

1. The Director,
Local Fund Audit Department,
Integrated Finance Department Complex,
Nandanam, Chennai- 600 035.

2. The Commissioner,
Tindivanam Municipality,
Tindivanam Villypuram District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus or any other appropriate writ or order or direction in the nature of a writ directing the respondents herein to forthwith pay family pension to the petitioner as per G.O.Ms.No.325, Finance (Pension) Dept., dated 28.11.2011 and G.O.Ms.No.337, Finance (Pay Cell) Department dated 14.11.2017 with effect from 01.06.2010 continuously.

For Petitioner : Mr. K. Raja

For Respondents : Mr. A. N. Thambidurai, Spl.G.P.

O R D E R

With the consent of both the parties, the Writ Petition is taken up for final disposal at the stage of admission itself.

2. The petitioner filed this Writ Petition seeking direction to direct the respondents herein to forthwith pay family pension to the petitioner as per G.O.Ms.No.325, Finance



(Pension) Dept., dated 28.11.2011 and G.O.Ms.No.337, Finance (Pay Cell) Department dated 14.11.2017 with effect from 01.06.2010 continuously

3. The case of the petitioner is that the petitioner is a unmarried daughter of one deceased Rajasekar who was working as Bill Collector in the second respondent municipality and he had attained superannuation on 07.05.1971 and later died on 17.05.2010 and since the petitioner is a unmarried daughter of the deceased Rajasekar, is eligible for family pension as per G.O.Ms.No.375, Finance (Pension) Department dated 28.11.2011 and G.O.Ms.No.337, Finance (Pay Cell) Department dated 14.11.2017. Immediately after the death of the petitioner's father, the petitioner preferred several representations and lastly the petitioner preferred representation dated 17.08.2019 to the first respondent seeking family pension and till date her representation was not considered. Hence the present Writ Petition.

4. Mr. K. Raja, learned counsel for the petitioner would submit that as per the Rule 49(6)(iii), unmarried daughter is entitled to receive family pension due to death of her father and until she attained the age of 25 years or until she gets married whichever is earlier. In the present case the petitioner is not married and as per Government orders she is entitled for family pension.

5. Mr. A.N. Thambidurai, learned Special Government Pleader agreed to consider the representation as per the existing scheme, Rule and G.o within a stipulated time.

6. Considering the facts and circumstances of the case and the limited request made by the learned counsel for the petitioner, I am inclined to issue direction to the first respondent to consider the representation dated 17.08.2019 as per the Rule 49(6)(iii) and as per the Government orders within a period of twelve (12) weeks from the date of receipt of a copy of this order. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar



To

1. The Director,
Local Fund Audit Department,
Integrated Finance Department Complex,
Nandanam, Chennai- 600 035.
2. The Commissioner,
Tindivanam Municipality,
Tindivanam Villupuram District.

+1cc to M/s.K.Raja, Advocate, Sr.89876
+1cc to the Government Pleader Sr.90403

W.P.No.30642 of 2019

cp[col]
srg 18/12/2019