



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.02.2019

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

WP (MD) No.21297 of 2017

and

W.M.P. (MD) No.17564 of 2017

Padmavathi

... Petitioner

/Vs./

1.The Forest Ranger & Principal Office,
Tamil Nadu Forest College, Vaigai Dam - 625 562,
Theni District.

2.The Accountant General,
(Accounts and Entitlements) of Tamilnadu,
Office of the Accountant General of Tamilnadu,
361, Anna Salai, Thenampet, Chennai - 600 018.

3.J.Revathi

4.J.Gnanaraja

5.Gowtham Kannan

... Respondents

[R-3 to R-5 are impleaded vide Court order dated 12.12.2017 in W.M.P. (MD) No.19071 of 2017.]

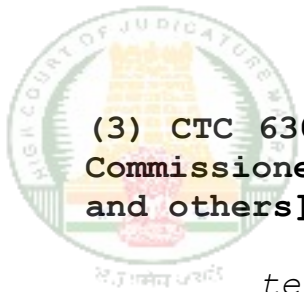
PRAYER: Writ Petition - filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus to call for the records on the file of the respondent in his proceedings in Na.Ka.No.1477/2017 Ka, dated 10.08.2017 and quash the same as illegal and consequently direct the respondent to pay family pension to the petitioner within a stipulated time fixed by this court.

For Petitioner	: Mr.J.Jeyakumaran
For R-1	: Mrs.J.Padmavathi Devi
	Special Government Pleader
For R-2	: Mr.P.Gunasekaran

ORDER

This writ petition has been filed to call for the records on the file of the respondent in his proceedings in Na.Ka.No.1477/2017 Ka, dated 10.08.2017 and quash the same as illegal and consequently direct the official respondents to pay family pension to the petitioner.

2. When the matter was taken up for hearing, the learned counsel appearing for the petitioner, the learned counsel for the second respondent as well as the learned Special Government Pleader appearing for the first respondent jointly submitted that the issue at hand is covered by the decision of this Court reported in **2007**



(3) CTC 630 [J.Kanniga Parameswari vs. The Special Commissioner and Commissioner of Treasury and Accounts Office, Panakal Park, Chennai and others]. Paragraph No.9 of the said decision reads as follows:

"9. As far as this case is concerned, only on technicalities, family pension has been denied to the petitioner and apart from this, though a stand has been taken by the respondents and also the petitioner was informed that in Form-E, nomination has not been made and therefore, she is not eligible for any benefit, the object of the family pension scheme is to enable the family of the deceased Government servant to survive even after his death. It is an admitted fact that the husband of the petitioner was an employee of the third respondent and after his retirement, he was given all the terminal benefits and till his death, he has also received pension. As such when a welfare measure has been introduced with the purpose to enable the family of the deceased Government to survive, that cannot be defeated standing on mere technicalities. If the impugned order is allowed to stand, in my opinion, the object of the scheme will be defeated. That apart, when the power of relaxation has been given, using that power of relaxation, the condition of nomination can be relaxed and the petitioner's request of family pension can be considered and the family pension can be sanctioned to the petitioner."

3. In view of the above, the order impugned in this writ petition is set aside. Accordingly, this writ petition is allowed. The matter is remitted back to the file of the first respondent, who, in turn, shall forward the proposal to the second respondent relying upon the decision cited supra. On receipt of such proposal, the second respondent shall consider the same and pass appropriate orders on merits and in accordance with law, after affording opportunity of hearing to the petitioner, within a period of eight weeks thereafter. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Crl Side)

// True Copy //

Sub Assistant Registrar (CS)



To

1) The Forest Ranger & Principal Office,
Tamil Nadu Forest College,
Vaigai Dam - 625 562,
Theni District.

2) The Accountant General,
(Accounts and Entitlements) of Tamilnadu,
Office of the Accountant General of Tamilnadu,
361, Anna Salai, Thenampet, Chennai - 600 018.

+1cc to Mr.P.Gunasekaran, Advocate, SR.No. 49280
+1cc to Mr.J.JEYAKUMARAN, Advocate, SR.No. 48553
+1cc to M/s.Special Government Pleader, SR.No. 49157

WP (MD) No.21297 of 2017
20.02.2019

SM

KK/SAR/11.04.2019/ 3P- 6C