



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) .No.12331 of 2015

and

M.P. (MD) .No.1 of 2015

Sagunthala

... Petitioner

-Vs-

- 1.The Principal Accountant General,
Office of the Principal Accountant General,
Tamil Nadu, 361, Anna Salai,
Teynampet, Chennai-600 018.
- 2.The District Educational Officer,
Office of the District Educational Officer,
Tiruchirapalli District, TVS Tollgate,
Tiruchirapalli.
- 3.The Assistant Elementary Educational Officer,
Office of the Assistant Elementary Educational Officer,
Balasamuthiram, Thottaiyem Taluk,
Tiruchirapalli District.

4.L.Chandra

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the 3rd respondent communication in Na.Ka.No.385/A1/2015 dated 07.2015 signed on 07.07.2015 and quash the same and consequently direct the respondents 1 to 3 to sanction the service benefits payable to the petitioner due to the death of the petitioner's son B. Balamurugan in accordance with law.

For Petitioner : Mr.A.Hajamohideen

For Respondents : Mr.P.Gunasekaran (for R-1)

Mrs.S.Srimathy
Special Government Pleader
(for R-2 and R-3)

Mr.A.Sivaji (for R-4)

**ORDER**

The relief sought for in the present writ petition is to quash the order, dated 07.07.2015 stating that the terminal benefits of the deceased employee Thiru.B.Balamurugan was settled in favour of his wife Tmt.L.Chandra.

2.The writ petitioner is the mother of the deceased employee and the learned counsel appearing for the petitioner states that the writ petitioner is entitled to claim terminal benefits of her son. It is pertinent to note that as per the pension rules in force, the spouse of the deceased employee alone is entitled to get the family pension is concerned and the other benefits including DCRG and GPF and Commutation of pension it is to be settled as per the nomination with reference to the rules in force.

3.However, in the present case, the writ petitioner is the mother of the deceased employee and therefore, she is not entitled for family pension, this apart, the pensionary benefits as already settled in favour of the wife of the deceased employee as per the pension rules in force. Thus, the very claim made in the present writ petition is untenable and in violation of the family pension rules 1978.

4.Accordingly, the writ petitioner cannot claim family pension in respect of the deceased employee, who is the son of the writ petitioner.

5.In view of the above, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AE)

// True Copy //

Sub Assistant Registrar(CS)

sj/am

TO

1.The Principal Accountant General,
Office of the Principal Accountant General,
Tamil Nadu, 361, Anna Salai,
Teynampet, Chennai-600 018.

2.The District Educational Officer,
Office of the District Educational Officer,
Tiruchirapalli District, TVS Tollgate,
Tiruchirapalli.



3.The Assistant Elementary Educational Officer,
Office of the Assistant Elementary Educational Officer,
Balasamuthiram, Thottaiyam Taluk,
Tiruchirapalli District.

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+1CC TO MR.P.GUNASEKARAN, Advocate Sr. No.74877
+1CC TO MR.A.SIVAJI, Advocate Sr. No.74632
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.74884

W.P.(MD).No.12331 of 2015
and
M.P.(MD).No.1 of 2015
10.07.2019

KMK(CO)
TR (30.07.2019) 3P 7C