

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.25679 of 2011

Soosai Antony Ammal
Mentally Ill Person
Rep. by her Court Guardian
A.Joseph Samuel
S/o.M.M.Aseervatham
No.3A, Periapalli Street,
R.A.Puram, Chennai-600 028.

... Petitioner

-vs-

1.State of Tamil Nadu
Rep. by Secretary,
Finance (Pension) Department,
Fort St.George,
Chennai-600 009.

2.The Accountant General,
O/o.Accountant General (Accounts and Entitlements),
361, Anna Salai,
Chennai-600 018.

... Respondents

PRAYER:

Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the order passed by the 2nd respondent in Pen 33/2/2621/10-11 dated 26.08.2011 and quash the same thereby directing the 1st respondent to sanction family pension to the mentally ill person Mrs.Susai Antony Ammal, represented by her Court guardian Mr.Joseph Samuel from the date of death of mother Ranjeetham, who died on 21.11.2003.

For Petitioner : Mr.A.R.Nixon

For R1 : Mr.K.Magesh
Spl.Govt.Pleader

For R2 : Mrs.Hema Murali Krishnan

O R D E R

The Writ Petition has been filed, seeking to quash the impugned order passed by the 2nd respondent in Pen 33/2/2621/10-11 dated 26.08.2011, by which, the petitioner was denied family pension. The petitioner also sought a direction to the 1st respondent to sanction family pension to the petitioner / mentally ill person, represented by her Court guardian Mr. Joseph Samuel from the date of death of mother Ranjeetham, who died on 21.11.2003.

2. Learned counsel for the petitioner submitted that the original guardian is no more and the subsequent guardian is taking care of the mentally ill person.

3. When the matter was taken up for hearing on merits, Mrs. Hema Murali Krishnan, learned Standing Counsel appearing for R2 represented that since the petitioner, a mentally ill person, was in a marital relationship, the pensionary benefits of her mother, namely, Smt. V. Ranjitham have been deprived to the petitioner in terms of Pension Regulations that married daughter is not entitled to pension. She further represented that as the petitioner had subsequently obtained divorce from the Family Court, Chennai in FCOP No. 1033 of 2012 on 11.09.2012, she has been granted family pension based on the proposal forwarded by the Assistant Elementary Educational Officer, Cheranmahadevi under G.O. 325 dated 28.01.2011.

4. In view of the submission made by the learned Counsel for R2, I find that there is no reason to grant the relief of pension from the date of death of her mother, as the Rule prohibits the grant of pension to married daughters and the petitioner also obtained a decree of divorce only on 11.09.2012.

5. The Writ Petition is closed accordingly. No costs.

Sd/-

Assistant Registrar (CS III)

//True Copy//

Sub Assistant Registrar

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To:

1. The Secretary,
State of Tamil Nadu
Finance (Pension) Department,
Fort St. George, Chennai-600 009.

2.The Accountant General,
O/o.Accountant General (Accounts and Entitlements),
361, Anna Salai,
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PM(CO)
CS/02/12/2020