

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.5123 of 2020

Leelavathi

Petitioner

vs.

1. The Principal Accountant General,
(Accounts & Pension) (A&E)
361, Anna Salai, Teynampet,
Chennai - 600 018.

2. The Assistant Educational Officer,
Nallur,
Cuddalore District.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the 2nd respondent to process Family Pension application to nominate the petitioner son namely Raveendran as nominee to receive family pension and other service benefits after petitioner death pursuant to petitioner representations dated 13.08.2019, 23.09.2019 & 07.02.2020 within the time limit as this Court may impose.

For Petitioner : Mr.T.Thirumoorthy

For Respondents : Mr.Vijayashankar for R1

Mr.S.Sureshkumar
Government Advocate for R2

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O R D E R

This writ petition has been filed for issuance of a writ of mandamus directing the 2nd respondent to process the Family Pension application that has been submitted by the petitioner who is seeking to nominate her son as a nominee to receive Family Pension and other service benefits after the death of the petitioner.

2.The case of the petitioner is that she had worked as Secondary Grade Teacher and she attained superannuation in the year 1995. Thereafter, the petitioner has been receiving the pension till date. According to the petitioner, her son is suffering from physical handicap and a disability certificate to that effect has also been given in his favour. The further case of the petitioner is that the petitioner's son is completely dependent upon the petitioner and therefore, before the death of the petitioner, the petitioner wanted to nominate her son as nominee for receiving the family pension and other service benefits. The petitioner had made a representation in this regard to the respondents. Since the same was not considered, the present writ petition has been filed before this Court seeking for appropriate directions.

3.Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondents.

4.It is seen from records that the petitioner had already submitted the relevant papers before the 2nd respondent and the 2nd respondent has also by a letter dated 07.11.2019 had instructed the petitioner to produce further documents. According to the petitioner, she has submitted all the documents to the 2nd respondent. The petitioner has also made a representation to the 1st respondent in this regard on 07.02.2020.

5.The petitioner is making such claims based on the sub-rule 6(iii) of Rule 49 of the Tamil Nadu Pension Rules, 1978. According to the petitioner, her son who is suffering from physical disability is also entitled to receive the Family Pension after the death of the petitioner. For this purpose, the petitioner is relying upon the judgment of this Court in W.P. (MD)No.10144 of 2006, dated 15.2.2006.

6.Taking into consideration the facts and circumstances of the case and also of the fact that the petitioner has prima facie established that her son will be entitled to receive Family Pension if he satisfies the requirements under the relevant pension Rules, there shall be a direction to the respondents to consider the representation made by the petitioner on 07.02.2020 and pass appropriate orders, within a period of four weeks from the date of receipt of copy of this order. The petitioner is directed to make a fresh representation to the respondents along with all relevant records and also a copy of this order.

7.This writ petition is disposed of with the above directions. No Costs.

Sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

ssr

To

1.The Principal Accountant General,
(Accounts & Pension) (A&E)
361, Anna Salai, Teynampet,
Chennai - 600 018.

2.The Assistant Educational Officer,
Nallur,
Cuddalore District.

+1cc to Mr.V.Vijayshankar, Advocate sr 18297
+1cc to Government Pleader sr 18278
+1cc to Mr.R.Thirumoorthy, Advocate sr 17895

W.P No.5123 of 2020

SV1 (CO)
GS (20/05/2020)

सत्यमेव जयते

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