



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.3344 of 2014

and

M.P (MD) .No.1 of 2014

P.Grace

... Petitioner

Vs.

1.The Secretary to Government,
Finance (Pension) Department,
Fort St. George,
Chennai-600 009.

2.The Accountant General (A&E)
Government of Tamil Nadu,
361, Anna Salai, Chennai-6.

3.The Director of Pensions,
Pension Directorate,
3rd Block, 2nd Floor,
D.M.S.Campus,
Teynampet, Chennai-6.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records in respect of the letter No.30/111/3-5/RTI-657/2011-12/40172 dated 23.05.2011 issued by the 2nd respondent and quash the same as illegal and consequently direct the 2nd respondent to enter the petitioner's adopted daughter Sofia Blessy's name in the column No.11 of the petitioner's pension book.

For Petitioner	: Mr.G.Balakrishnan
For R1 & R3	: Mr.P.Mahendran
	Additional Government Pleader
For R2	: Mr.P.Gunasekaran

ORDER

The learned Additional Government Pleader appearing on behalf of the respondents 1 and 3 as well as the learned counsel appearing on behalf of the second respondent made a submission that as per the letter of the second respondent, dated 14.11.2019, the grievance of the petitioner has been redressed.



2.The learned Additional Government Pleader has also stated that the counter affidavit filed by the respondents 1 and 3 confirmed that the relief has been granted to the writ petitioner and in this regard, paragraph Nos.5 and 6 are extracted hereunder:

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"5.It is submitted that the petitioner has adopted a daughter after 8 years from the date of her retirement from Government service. It is also noticed that the petitioner had her own children. It appears that the ulterior intention of the petitioner in having adopted a daughter after her retirement, that too a mentally challenged girl, is only to continue to get family pension, during the entire life time of the adopted daughter which will result in additional financial burden to respondents by circumventing the rule provisions. However, in as much as the Tamil Nadu Pension Rules contain no provision to prohibit such claims for family pension, the first respondent has decided to accept the prayer of the petitioner and accordingly authorized the 2nd respondent to incorporate the name of the petitioner's adopted daughter who is mentally challenged in the Pension Pay Order of the petitioner.

6.It is also submitted that the Government has given authorization the Accountant General to incorporate the name of the petitioner's adopted daughter in her Pension Pay Order and the same has been informed to Accountant General (A&E), Tamil Nadu for further action vide Govt. Letter No.22746/Finance PGC-1/2014, dated 02.08.2019. In as much as the prayer of the petitioner is conceded by the Government, this Writ Petition became infructuous."

3.In view of the fact that the grievance of the writ petitioner has already been redressed, no further adjudication is required. Hence, this Writ Petition stands closed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

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/ /2020

Sub Assistant Registrar(CS)

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To

1.The Secretary to Government,
Finance (Pension) Department,
Fort St. George,
Chennai-600 009.

2.The Director of Pensions,
Pension Directorate,
3rd Block, 2nd Floor,
D.M.S.Campus,
Thenampet, Chennai-6.

+1 CC to M/s.GP (SR-21149[F] dated 04/11/2020)

W.P. (MD)No.3344 of 2014

and

M.P (MD) .No.1 of 2014

PM(CO)

TR(11.11.2020) 3P 4C