



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.04.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.7886 of 2021

M.Saraswathy

... Petitioner

-Vs-

1.State of Tamil Nadu,
Rep. by its Additional Chief Secretary to the Government,
Finance Department,
Fort St. George,
Chennai-9.

2.The Principal Accountant General,
Office of the Principal Accountant General,
Anna Salai,
Chennai-18.

... Respondents

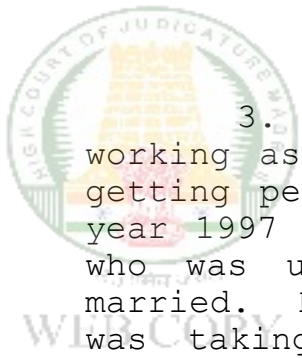
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondent No.1 to extend the benefit of Government Order in G.O.Ms.No.325, Finance (Pension) Department, dated 28.11.2011 and the Government Order in G.O.Ms.No.165, Finance (Pension) Department, dated 21.05.2012 and provide family pension to the petitioner, within the time period stipulated by this Court.

For Petitioner	: Mr.T.Lajapathi Roy
For R1	: Mr.C.Ramesh Special Government Pleader
For R2	: Mrs.Mahalakshmi

ORDER

This Writ Petition is filed to direct the Respondent No.1 to extend the benefit of Government Order in G.O.Ms.No.325, Finance (Pension) Department, dated 28.11.2011 and the Government Order in G.O.Ms.No.165, Finance (Pension) Department, dated 21.05.2012 and provide family pension to the petitioner, within the time period stipulated by this Court.

2.Mr.C.Ramesh, learned Special Government Pleader takes notice on behalf of the first respondent and Mrs.Mahalakshmi, learned counsel takes notice on behalf of the second respondent.



3. According to the petitioner, her elder brother was working as Vocational Instructor and after his retirement, he was getting pension. In the meantime, her mother passed away in the year 1997 and she was living under the roof of her elder brother, who was unmarried. Similarly all her siblings were also not married. Her brother was the sole breadwinner of the family and he was taking care of herself and her sister and brother. On 21.06.2013, her brother passed away and thereafter, his family pension was stopped. The petitioner was not provided with any benefit due to the fact that the family pension is extended only in case of unmarried daughters. The Government of Tamil Nadu has extended the benefit of unmarried daughters, vide G.O.Ms.No.325, Finance (Pension) Department, dated 28.11.2011 and the Government Order in G.O.Ms.No.165, Finance (Pension) Department, dated 21.05.2012. Therefore, the petitioner has given a representation, dated 16.03.2021 requesting the respondents to extend the benefit of above said Government Orders, by considering the special circumstances of her family. Since the respondents have not passed any orders on the representation, the petitioner has come out with the present writ petition.

4. According to the petitioner, her elder brother was working as Vocational Instructor and after his retirement, he was getting pension. He was maintaining his family, consisting of the petitioner, sister and brother. The deceased brother was unmarried. After his death, the pension and other benefits were stopped. The petitioner and her sister and brother, who are also un-married, are in financial difficulties. The Government issued G.O.Ms.No.325, Finance (Pension) Department, dated 28.11.2011 and the Government Order in G.O.Ms.No.165, Finance (Pension) Department, dated 21.05.2012 granting family pension to the un-married daughters. The petitioner gave a representation to the respondents on 16.03.2021 to extend the said benefit of family pension to her also.

5. In the Government Orders relied on by the learned counsel for the petitioner, a benefit of family pension granted to un-married daughters and the said benefit cannot be extended to un-married sisters. The contention of the learned counsel for the petitioner to extend the said benefit to un-married sisters by directing the first respondent granting family pension to the petitioner, who is the sister of the deceased pensioner, cannot be issued, when the benefits given in the Government Orders, are not applicable to the petitioner.



6. With the above facts, the writ petition stands dismissed.
No costs.

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Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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To

1. The Additional Chief Secretary to the Government,
Finance Department,
Fort St. George,
Chennai-9.

2. The Principal Accountant General,
Office of the Principal Accountant General,
Anna Salai,
Chennai-18.

+1 CC to M/s.SPL GP (SR-16326[F] dated 17/04/2021)

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-16389[F] dated
19/04/2021)

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