



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2021

CORAM

THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.P.(MD)No.20435 of 2014

WEB COPY

K.Gopinathan Nair

... Petitioner

vs..

1. The Accountant General,  
Office of the Accountant General,  
Chennai - 600 018.

2. The Assistant Executive Engineer,  
PWD/WRO, Kodayar Basin Sub Division,  
Cheruppalloor,  
Kanyakumari District.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceeding issued by the first respondent herein in Pr AG (A&E) Legal Cell/WP(MD) 3390/2014/2014-15/1518, dated 14.11.2014, to quash the same, and further to direct the first respondent herein to disburse forthwith the arrears of family pension payable to petitioner's mother from 19.11.1967 to 02.04.1989 with appropriate interest from 19.11.1967 onwards to the petitioner.

|                |                                  |
|----------------|----------------------------------|
| For Petitioner | : Mr.E.V.N.Siva                  |
| For R-1        | : Mr.P.Gunasekaran               |
| For R-2        | : Mr.R.Ragavendran               |
|                | Government Advocate (Civil side) |

### **O R D E R**

This Writ Petition is filed for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceeding issued by the first respondent herein, dated 14.11.2014, to quash the same, and further to direct the first respondent herein to disburse forthwith the arrears of family pension payable to the petitioner's mother from 19.11.1967 to 02.04.1989 with appropriate interest from 19.11.1967 onwards to the petitioner.

2.The petitioner's father was working as a Ferry Man under the Travancore Cochin State, since 1945. While re-organisation of the State, he was transferred to the State of Tamil Nadu in the year



1956. Thereafter, he worked under second respondent from 01.11.1956 to 23.07.1962 as Ferry Man and then worked in Nagercoil Sub-Division from 24.07.1962 to 13.08.1964 and again served in the second respondent office from 14.08.1964 to 19.11.1967.

3. While in service, the petitioner's father died on 19.11.1967. Even after his demise, the family pension was not sanctioned to the petitioner's mother and the petitioner's mother died on 27.11.1996. Even though the petitioner's mother is entitled to pension, she has not opted for pension.

4. The petitioner is sixty years old and there are seven legal heirs and all the other six legal heirs have given consent to get the family pension in the name of the petitioner. The petitioner had filed a Writ Petition in W.P.(MD)No.3390 of 2014 and this Court, vide order, dated 26.02.2014, has directed the authorities to consider and pass orders on the petitioner's representation, dated 20.01.2014.

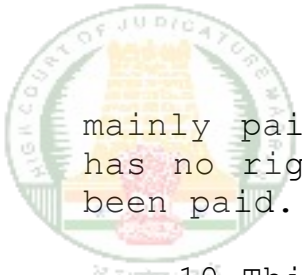
5. It is seen from the records that the petitioner has already submitted his representation and the authorities have considered his claim and passed a Pension Sanction Order as early as 02.02.2006 and granted minimum pension of Rs.375/- per month and has also granted arrears payment from 03.04.1989 to 27.11.1996. Since the petitioner's mother died on 27.11.1996, the present payment is made as lifetime arrears to the petitioner.

6. The claim of the petitioner is since his father died in the year 1967, the petitioner is entitled to claim pension from the year 1967. However, the respondents have calculated the pension from the year 1989 only.

7. Heard Mr.E.V.N.Siva, learned Counsel appearing for the petitioner, Mr.P.Gunasekaran, learned Counsel appearing for the first respondent and Mr.R.Ragavendran, Government Advocate appearing for the second respondent.

8. The learned Counsel appearing for the first respondent submitted that the petitioner's family is entitled to family pension based on G.O.(Ms)No.202, Finance (Pension) Department, dated 03.04.1989. Therefore, the pension is calculated from 1989 to 1996 and is paid as lifetime pension to the petitioner.

9. It is seen from the records that the family pension is paid as early as 2006 but, the present Writ Petition is filed in the year 2014. The petitioner has not come to this Court at the earliest point of time and the claim is hit by laches. It is seen from the communication, dated 19.04.2001, that the service of the petitioner's mother was not regularized and the present payment is



mainly paid on a sympathetic ground. Therefore, the petitioner has no right to claim any family pension over and above that has been paid.

10. This Court is of the view that the petitioner is not entitled to the arrears of the family pension. Therefore, there is no infirmity in the impugned order. Accordingly, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (AD I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

jbr/tmg

**Note:**

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

1. The Accountant General,  
Office of the Accountant General,  
Chennai - 600 018.

2. The Assistant Executive Engineer,  
PWD/WRO, Kodayar Basin Sub Division,  
Cheruppalloor,  
Kanyakumari District.

**W.P. (MD) No. 20435 of 2014**  
**11.11.2021**

SR(CO)  
SB/SKN (19.11.2021) 3P 3C