



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:09.12.2021

CORAM:

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P. (MD) .Nos.15453 of 2018 and 25277 of 2019

1.Tmt.Rajathi
2.V.Palanivel ... Petitioners in W.P.(MD).No.15453 of 2018

vs.

- 1.The District Collector,
Office of Collectorate,
Tanjore District,
Tanjore.
- 2.The State Accountant General,
Office of the Accountant General,
No.361, Annasalai,
Chennai 600 018.
- 3.The Regional Zonal Officer,
Life Insurance Corporation of India,
Tanjore Branch,
Tanjore.
- 4.The Principal,
Office of the Rajah Serfoji College,
Tanjore.
- 5.The Tahsildar,
Tanjore Taluk,
Tanjore District.
- 6.Mrs.Kadal Kanni

... Respondents in W.P.(MD).No.15453 of 2018

PRAYER in W.P. (MD) .No.15453 of 2018: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 5 to include the petitioner and her husband V.Palanivel as legal-heirs of the deceased son P.Veeramani and to disburse the death benefits along with the sixth respondent.



WEB COPY

For Petitioner	: Mr.S.Krishnamoorthy
For R1, R4 & R5	: Mr.A.K.Manikkam Special Government Pleader
For R2	: Mr.P.Gunasekaran
For R3	: Mr.T.Thirumurugan
For R6	: Mr.K.M.Karunakaran

R.Kadalkanni ... Petitioner in W.P.(MD).No.25277 of 2019

vs.

1.The Principal,
Rajah Serfoji Government College (Autonomous),
AVP Azhagammal Nagar,
Thanjavur 613 005.

2.The Accountant General (Pension),
No.361, Annasalai,
Teynampet,
Chennai 600 018.

3.The District Treasury Officer,
Collectorate Campus,
Thanjavur.

... Respondents in W.P.(MD).No.25277 of 2019

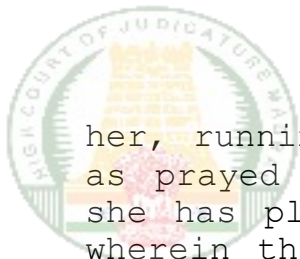
PRAYER in W.P.(MD).No.25277 of 2019: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents herein to sanction the family pension to the petitioner from the date of death of the petitioner's husband along with interest thereon on the basis of the petitioner's representation, dated 11.10.2019.

For Petitioner	: Mr.C.Gangai Amaran
For R1 to R3	: Mr.A.K.Manikkam Special Government Pleader
For R2	: Mr.P.Gunasekaran

C O M M O N O R D E R

The petitioners in W.P.(MD).No.15453 of 2018 are senior citizens and the first limb of their prayer is for a Mandamus directing respondents 1 to 5 to include their names as legal heirs of their deceased son, one P.Veeramani. The second limb of prayer is for disbursal of the death benefits to them along with the sixth respondent, who is the widow of the said P.Veeramani, their daughter-in-law.

2. The sixth respondent has filed W.P.(MD).No.25277 of 2019 seeking a direction to the respondents to sanction family pension to



her, running from date of death of her husband along with interest as prayed for in her representation, dated 11.10.2019. Inter alia she has placed on record a copy of the legal heirship certificate wherein the names of the petitioners in W.P.(MD).No.15453 of 2018, her father and mother-in-law are set out at Sl. Nos.2 and 3. The first limb of the prayer of the senior citizen is for inclusion of their names in the legal heirship certificate thus stands achieved.

3. However, this, by itself, would not advance their case as far as the disbursal of their benefits are concerned. Rule 49 (13) of the Tamil Nadu Pension Rules, 1978, defines 'family' for the purpose of disbursal of family pension, as meaning the wife and children of the deceased employee. It is only in the case of an unmarried Government servant, that the father and mother would be entitled to receive family pension.

4. In light of the clear and categorical Rule as aforesaid, the prayer of the petitioners would unfortunately have to stand rejected. Though the learned counsel for the petitioners refers to a contra view taken by the Kerala High Court, no such decision is placed before this Court for appreciation.

5. As far as the direction sought for in W.P.(MD).No.25277 of 2019, the Mandamus stands achieved as the entitlement of the petitioner to family pension is borne out by Rule 49(13) of the Rules.

6. The first respondent ie., the Principal, Rajah Serfoji Government College, has tarried in forwarding the proposal for pension to the Accountant General (Pension)/R2 in a timely fashion and the excuse put forth is the pendency of the writ petition filed by the parents of the deceased employee. That apart, they await the production of relevant documents by the petitioner including the death certificate and legal heirship certificate.

7. Let the required documents be supplied to R1 along with the requisite application for family pension and other terminal benefits and upon receipt of the same, R1 shall process and forward the documents to R2 expeditiously, and in any event, within a period of two weeks from receipt thereof. R2 shall, upon receipt of the necessary proposal from R1, process and forward the pay order to the petitioner, within a period of four weeks from receipt thereof.

8. With the above directions, these Writ Petitions are closed. No costs.

Sd/-

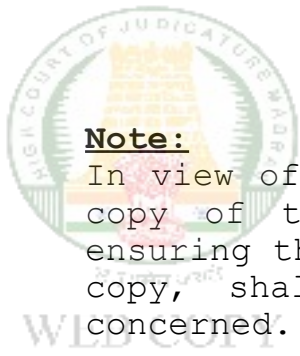
Assistant Registrar (CS III)

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Sub Assistant Registrar(CS)

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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 District Collector,
Office of Collectorate,
Tanjore District,
Tanjore.
- 2.The State Accountant General,
Office of the Accountant General,
No.361, Annasalai, Chennai 600 018.
- 3.The Accountant General (Pension),
No.361, Annasalai,
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- 4.The Regional Zonal Officer,
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- 5.The Principal,
Office of the Rajah Serfoji College, Tanjore.
- 6.The Tahsildar,
Tanjore Taluk,
Tanjore District.
- 7.The District Treasury Officer,
Collectorate Campus,
Thanjavur.

+1 CC to M/s.T.THIRUMURUGAN, Advocate(SR-37889[F] dated 09/12/2021)

+2 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-38076[F] & SR-38077ZA[F] dated 10/12/2021)

+1 CC to M/s.SPL GP (SR-38339[F] dated 13/12/2021)

W.P. (MD) .Nos.15453 of 2018 and 25277 of 2019

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MGJ(01.02.2022) 4P 12C