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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2022

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THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.NO.1882 OF 2019

AND

W.M.P.NO.2083 OF 2019

N.G.Babu

...Petitioner

Vs

- 1.The State of Tamil Nadu
represented by its Secretary
Industries and Commerce Department
Fort St. George,
Chennai-600 009.
- 2.The Accountant General,
Office of the Principal Accountant General
(Accounts and Entitlements),
361, Anna Salai, Teynampet,
Chennai-600 018.
- 3.The Commissioner/Director of Industries and Commerce,
5/6, SIDCO Corporate Office Building,
3rd Floor, Thiru.Vi.Ka Industrial Estate,
Guindy, Chennai-600 032.
- 4.The Pension Pay Officer,
Pension Pay Office,
571, Officers Building,
Veterinary Hospital campus,
Amma valagam, Anna salai,
Nandanam, Chennai-600 035.
- 5.The Regional Medical Board,
Government General Hospital,
Represented by its Members,
Chennai-600 003.
- 6.The Tahsildar,
Office of Tahsildar,
Poonamalle Taluk,
Poonamalle, Tiruvallur District,
Chennai-600 056.



7.The Schizophrenja Research Foundation (INDIA), (SCARF),
R/7A, North main Road,
Anna Nagar West Extension,
Chennai-600 101.

...Respondents

Prayer :- Writ Petitions filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus directing the First to Fourth Respondents to disburse the family pension accumulated to the credit of N.K.Gururajan with effect from 29.11.2007 upto this date and thereafter continue to pay the monthly family pension to N.G.Savithri as per the order of the Third Respondent 21.03.1996 made in Rc.No. 110565/ADA2/1995 without any default.

For Petitioner : Mr.R.Gopinath

For Respondents : Mrs. C.Sangamithirai
Special Government Pleader
(For R1, R3 to R6)

Mrs.T.S.Selvarani (For R2)

No appearance (For R7)

O R D E R

Heard Mr. R.Gopinath, Learned Counsel for the Petitioner, Mrs.C.Sangamithirai, Learned Special Government Pleader appearing for First, Third and Sixth Respondent and Mrs. T.S.Selvarani, Learned Counsel for the Second Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. One viz., N.K.Gurunjan, who is the father of the Petitioner, was receiving pension from the Government of Tamil Nadu till his death on 29.11.2007 and subsequently his wife, viz., G.Saraswathi, also died. It is the case of the Petitioner that one of his sisters, viz., N.G. Savithri, is a chronic schizophrenia mental illness patient and she is entitled to receive family pension and though representations had been made on her behalf with supporting documents, it has not evoked any response from the concerned authorities. The Writ Petition has been filed for directing the First to Fourth Respondents to disburse the family pension accumulated to the credit of N.K.Gururajan with effect from 29.11.2007 till the time of filing of the Writ Petition and the monthly family pension that falls due to the said N.G. Savithri as per the Order in Rc. No. 110565/ADA2/1995 dated 21.03.1996 passed by the Third Respondent without any default.



3. In the Counter-Affidavit dated 28.11.2019 filed by the First, Second and Third Respondents, it has been stated that though the Petitioner may have submitted the required documents, due to a major fire accident that had occurred in the office premises on 15.01.2012, the same was not available in order to consider the claim made by the Petitioner for family pension. It is further stated that the following documents are required from the Petitioner:-

- (i) Death Certificate of the Pensioner
- (ii) Death Certificate of the wife of the Pensioner
- (iii) Legal heir Certificate
- (iv) Medical Board opinion in respect of the nominee
- (v) Non Marriage Certificate/ Non Re-Marriage Certificate

It is seen from the typed-set filed by the Petitioner in this Writ Petition that most of the said documents are available and the concerned authorities can verify the same with the respective originals for taking further action in the matter.

4. Learned Counsel for the Petitioner states that the required documents as mentioned in the Counter Affidavit would be produced before the concerned authorities immediately.

5. Having regard to the aforesaid submissions made, the following order is passed:-

- (i) the Petitioner shall submit another copy of the representation along with copies of the required documents to the concerned authority for grant of family pension to the said N.G.Savithri under the relevant rules so as to entitle her for family pension;
- (ii) it shall be incumbent upon the concerned authorities on receipt of the aforesaid documents from the Petitioner to examine the claim made for family pension from 29.11.2007 onwards;
- (ii) if any other details or other proof satisfying the eligibility criteria for the benefits claimed are needed, the same shall be informed in writing to the Petitioner to be furnished within a time frame of not less than 15 clear working days in that regard;
- (iii) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of hearing to the said N.G.Savithri to explain her position in that regard and a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated under written acknowledgment; and
- (v) in the event that the said N.G.Savithri is found entitled to grant of family pension as claimed, it shall be ensured that the eligible amount of arrears of family pension is



paid within three months from the date of passing of that order, apart from family pension for future months on the due dates.

In fine, the Writ Petition is disposed on the aforesaid terms. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar (CS-V)

// True Copy //

Sub Assistant Registrar

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To

1. The Secretary,
The State of Tamil Nadu
Industries and Commerce Department
Fort St. George, Chennai-600 009.
2. The Accountant General,
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(Accounts and Entitlements)
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Office of Tahsildar,
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Chennai-600 056.



7.The Schizophrenja Research Foundation (INDIA), (SCARF),
R/7A, North main Road,
Anna Nagar West Extension,
Chennai-600 101.

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+1cc to Mr.R.Gopinath, Advocate Sr.No.28213

+1cc to the Government Pleader Sr.No.28391

W.P.No.1882 of 2019

PL(CO)
RVM(15/06/2022)