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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Writ Petition No.14394 of 2016

Govindammal

..Petitioner

Vs.

1. Government of Tamil Nadu
Represented by its Secretary
Department of Tamil Development
Religious Endowments and Information
Secretariat, Chennai.

2. The Director
Directorate of Tamil Development
Halls Road, Egmore
Chennai-600 008.

..Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus calling for the records of the 2nd respondent in Tiruvalluvar Aandu 2046/Manmatha/Puratasi-06, Na.Ka.No.Tamil 3/8831/2015 dated 23.09.2015 and set aside the same and further direct the respondents to grant family pension from the date of death of petitioner's husband i.e., from 02.12.2009 and continue to pay the same periodically.

For Petitioner : Mr.S.Jawahar

For Respondents : Mr.S.Ravikumar
Special Govt. Pleader

O R D E R

Writ Petition is filed for issuance of a Writ of Certiorarified Mandamus calling for the records of the 2nd respondent in Tiruvalluvar Aandu 2046/Manmatha/Puratasi-06, Na.Ka.No.Tamil 3/8831/2015 dated 23.09.2015, set aside the same and further direct the respondents to grant family pension from the date of death of petitioner's husband i.e., from 02.12.2009 and continue to pay the same periodically.

2.According to the petitioner, she is widow of a Tamil



Scholar T.G.Govindasamy. Her husband was granted pension as Tamil Scholar, who had participated in the agitation to protect the Tamil language and territories of Tamil Nadu. He was imprisoned for many days along with others. The Government of Tamil Nadu declared to grant financial assistance (pension) to the Tamil Scholars, who underwent imprisonment to protect Tamil language and territories of Tamil Nadu. The petitioner's husband was granted pension as per G.O.Ms.No.2, Department of Tamil Development, Culture and Religious Endowments (T D 1-2) dated 04.01.2007. As per the Government order, the petitioner's husband was branded as 'Tamil Mozhi Kavalalar'. Her husband died on 02.12.2009. The 1st respondent issued G.O.Ms.No.167, dated 09.10.2014 sanctioning family pension to the petitioner from the date of issuance of the said Government order. The petitioner gave a representation dated 31.08.2015 to the respondents to grant family pension from the date of death of her husband. The 2nd respondent by the impugned order rejected the representation of the petitioner seeking family pension from the date of death of her husband.

3.The learned counsel appearing for the petitioner submitted that family pension is continuation of pension granted to petitioner's husband and granting family pension is automatic. The family pension is granted to sustain the widow of Tamil Scholar. The petitioner is entitled to family pension from the date of death of her husband and prayed for setting aside the order of the 2nd respondent and allowing the Writ Petition.

4.The learned Special Government Pleader appearing for the respondents submitted that the 2nd respondent has filed counter affidavit stating that the petitioner's husband died in the year 2009 and she gave representation only in the year 2014 after five years from the date of death of her husband. In view of the same, there was a delay in sanctioning family pension to the petitioner. The learned Special Government Pleader further submitted that the respondents have considered the request of the petitioner for granting family pension and sanctioned family pension by issuing G.O.Ms.No.167, dated 09.10.2014 only from the date of issuance of the said Government order and it cannot be granted from the date of death of Tamil Scholar. The rejection of request of the petitioner is valid and prayed for dismissal of the Writ Petition.

5.Heard the learned counsel appearing for the petitioner as well as the learned Special Government Pleader appearing for the respondents.

6.From the materials on record, it is seen that the petitioner's husband was sanctioned Tamil Scholar pension. He was receiving pension. According to the petitioner, her husband



died on 02.12.2009 and immediately on the death of her husband, on 06.04.2010, she made an application to the respondents for grant of family pension. The said application was not considered. She made another representation on 22.03.2013 for granting family pension. According to the petitioner, she has enclosed death certificate of her husband and legal heir certificate. The respondents issued G.O.Ms.No.167, dated 09.10.2014 after five years of death of her husband granting family pension. Both in the Government order as well as in the impugned letter, the respondents have not stated any provision as per which, family pension can be sanctioned only from the date of Government order and not from the date of death of pensioner. The pension was granted for Tamil Scholars to sustain them and on their death, widow of Tamil Scholars is entitled to get family pension. As rightly pointed out by the learned counsel appearing for the petitioner, the family pension is continuation of pension and widow or legal heirs of pensioner is entitled to get family pension from the date of death of pensioner. For the above reasons, the impugned letter of the 2nd respondent is set aside. Though the petitioner has not challenged G.O.Ms.No.167 dated 09.10.2014, this Court can mould the relief and portion of G.O.Ms.No.167 dated 09.10.2014 in paragraph-3 granting family pension from the date of issuance of the said Government order, in respect of the petitioner alone is set aside. The respondents are directed to sanction family pension to the petitioner from the date of death of her husband and pay arrears of family pension, within a period of four (4) weeks from the date of receipt of a copy of this order. The respondents are directed to pay family pension to the petitioner every month regularly.

7. In the result, the Writ Petition is allowed. No costs.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary
Government of Tamil Nadu
Department of Tamil Development
Religious Endowments and Information
Secretariat, Chennai.



2. The Director
Directorate of Tamil Development
Halls Road, Egmore
Chennai-600 008.

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+1cc to the Government Pleader, S.R.No.11972

W.P.No.14394 of 2016

GPL (CO)
RGA (16/03/2022)