



W.P.No.15070 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 15.11.2022**

CORAM

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

**W.P.No.15070 of 2018**  
**and**  
**W.M.P.No.17834 of 2018**

S.Thangam

... Petitioner

Vs.

1.The Accountant General  
(Accounts & Entitlements),  
State of Tamil Nadu,  
No.361, Anna Salai,  
Teynampet,  
Chennai – 600018.

2.The Sub Treasurer,  
Jayankondam,  
Ariyalur District.

3.Savithri

... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1<sup>st</sup> respondent to cancel the family pension in the name of the 3<sup>rd</sup> respondent in P.P.O.No.33/6278/17722/V/17.04.2017 and further directing the 1<sup>st</sup> respondent to sanction the family pension in the name of the petitioner.



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|                |                                                                   |
|----------------|-------------------------------------------------------------------|
| For Petitioner | : Mrs.K.Anusuya<br>[Change of Vakalat given vide<br>USR.No.37224] |
| For R1         | : Mr.V.Murali                                                     |
| For R2         | : Mr.P.Gurunathan<br>Additional Government Pleader                |
| For R3         | : No Appearance                                                   |

### **ORDER**

The relief sought for in the present writ petition is to direct the respondents to cancel the family pension granted in the name of the 3<sup>rd</sup> respondent and direct the 1<sup>st</sup> respondent to sanction the family pension in the name of the writ petitioner.

2. The petitioner states that her father Late A.Vaidhiyalangam was employed as School Headmaster at Government Boys Higher Secondary School and retired from service. He was receiving the pension from the 2<sup>nd</sup> respondent. On 17.10.2010, the father of the writ petitioner died and leaving behind 9 legal heirs. The mother of the writ petitioner was sanctioned with the family pension and subsequently, she was died. Thus, the 3<sup>rd</sup> respondent, who is the elder daughter to the writ petitioner filed an application seeking



family pension. The authorities competent considered the issues with reference to the Government order in force and accordingly, sanctioned the family pension to the 3<sup>rd</sup> respondent.

3. The respondents sanctioned family pension as per the G.O.325, Which stipulates eligible unmarried / Widowed / divorced daughters of the deceased Government servant is eligible for family pension. Considering the Government order, the elder daughter was sanctioned with the family pension. The petitioner is the 7<sup>th</sup> legal heir of the deceased employee and the 3<sup>rd</sup> respondent was the 3<sup>rd</sup> legal heir, who is a widow. That being the factum, this is Court cannot interfere with the decision taken by the competent authorities, since the family pension to the 3<sup>rd</sup> respondent was sanctioned considering the facts and circumstances and based on the Government order. If at all any suppression of the fact is identified in the matter of placing the factual aspects, then the petitioner has to submit all the relevant records for the purpose of adjudication of issues. However, this Court do not find any infirmity in respect of the decision taken by the competent authority for sanctioning family pension in accordance with the Government order.



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4. Accordingly, the Writ Petition stands dismissed. No costs.

Consequently, connected Miscellaneous Petition is closed.

**15.11.2022**

Jeni  
Index : Yes  
Speaking order

To

1.The Accountant General  
(Accounts & Entitlements),  
State of Tamil Nadu,  
No.361, Anna Salai,  
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2.The Sub Treasurer,  
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Ariyalur District.



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**S.M.SUBRAMANIAM, J.**

Jeni

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