



W.P.No.20919 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.20919 of 2014
and M.P.No.1 of 2014

R. Komala

... Petitioner

Vs.

1.The Director,
Stationary and Printing,
110, Anna Salai,
Chennai – 600 002.

2.G. Kalai Selvi

3.G. Mohanapriya

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for relevant records of the respondent in respect of இயக்.எண்.டி3/5712/2014 dated 02.06.2014 and quash the same and consequently direct the respondent to disburse the benefits to the petitioner.

For Petitioner

: Mr.V. Devendhiran

For Respondents

: Mr.K. Tamilvendhan,
Government Advocate [R1]
No appearance – R2 & R3



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ORDER

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While the petitioner is the mother of late R. Ganesan who died while employed as a Masdoor in the office of the Director, Stationary and Printing, Chennai, the second and third respondents herein are the widow and daughter of the late employee.

2. The mother now claims the Death cum Retirement Gratuity (DCRG) Benefits of her son. It is stated that the widow and daughter who are the second and third respondents herein, have received the DCRG benefits as well as the pensionary benefits.

3. Rule 45(b) of the Tamil Nadu Pension Rules provides for payment of the Death Cum Retirement Gratuity (DCRG) Benefits to the nominee of the Government servant.

4. Rule 49(13)(b) of the Rules defines the family as for the purpose of receiving the DCRG Benefits, which is extracted hereunder:

“49(13) For the purposes of this rule,-

(a) continuous service means service rendered in a



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temporary or permanent capacity in a pensionable establishment and does not include-

(i) period of suspension, if any, '[...]

(ii) period of service, if any rendered before attaining the age of eighteen Years;2[and]

3[(iii) period of extraordinary leave without medical certificate.]

(b) family, in relation to a Government servant means-

4[(i) (a) Wife in the case of a male Government servant or husband in the case of a female Government servant;

(b) a judicially separated wife or husband, such separation not being granted on the ground of adultery and the person surviving was not held guilty of committing adultery; and]

NOTE.- Wife and husband shall include respectively judicially separated wife and husband.

NOTE.- Where the appointing authority referred to in sub-rule (3) of Rule (6) decides that for reasons to be recorded in writing, a child or children from a judicially separated deceased female Government servant should receive the family pension in preference to judicially separated husband of the



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deceased Government servant, such husband shall not be regarded as covered by the expression family. 1[(ii) son who has not attained the age of 2 [twenty-five] years and unmarried daughter who has not attained the age of 2[twenty-five] years 3[including such son and daughter adopted legally adopted and also such son or unmarried daughters born through illegitimate wife before retirement and 4[such son or daughter born after retirement, on or after 1st January 1979.] 5[(iii) 6[legally adopted son and daughter, father] failing which the mother, in the case of an unmarried Government servant subject to the condition that such person declares to be dependent on the deceased Government servant.]”

5. Apparently, the mother of the deceased Government employee is not entitled for family pension. The Government servant has also not nominated his mother/petitioner herein as his nominee for the purpose of the benefits of DCRG. When, the Rule specifically prohibits the mother from claiming any such benefits, the petitioner herein may not be entitled for the relief sought for. In this regard, I do not find any infirmity in the impugned order which rejects the petitioner/mother's claim for DCRG and pensionary benefits.



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

Connected miscellaneous petition is closed.

19.10.2022

Speaking order/Non-speaking order

Index:Yes/No

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To

The Director,
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M.S.RAMESH,J.

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