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W.P.No.21805 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2022

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.21805 of 2017

R. Pankajam

... Petitioner

-Vs-

1. The District Treasury officer,
District Treasury,
Nagapattinam District,
Nagapattinam.

2. K.V. Vijaya

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus, directing the respondents to pass orders for granting family pension to the petitioner on demise of her husband, Rajamanickam, Driver, Panchayat Union Office, Mannargudi, as per Tamil Nadu Pension Rules, by considering the representation submitted by the petitioner dated 17.05.2017.

For Petitioner : Mr.S.Nedunchezhiyan

For Respondents :

For R1 : Mr.P.Gurunathan, AGP

For R2 : No appearance



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ORDER

The relief sought for in the present writ petition is to direct the respondents to pass orders for granting family pension to the petitioner.

2. The petitioner states that she is the legally wedded wife of the deceased employee, Mr.Rajamanickam and the petitioner has six daughters. The husband of the petitioner was employed as a Driver in Panchayat Union and retired from service in the year 1999.

3. The petitioner states that the second respondent, Tmt.K.V.Vijaya, happened to be a friend of the fourth daughter of the writ petitioner, started creating problems by claiming that she is an adopted daughter of the husband of the writ petitioner. The husband of the writ petitioner suddenly died on 14.02.2016 and thereafter, the petitioner submitted a representation to the first respondent to settle the family pension as per the pension rules. However, the second respondent Tmt.K.V.Vijaya, submitted an objection in this regard to the District Treasury Officer and therefore, the family pension due to the petitioner has not been settled.



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4. As per the Tamil Nadu Pension Rules, an adopted daughter is not eligible for the family pension. Spouse of the deceased employee alone is eligible for the family pension and therefore, there is no impediment to settle the family pension to the spouse of the deceased employee.

5. In the present case, the second respondent had not produced any valid adoption deed or otherwise. Even in case, where the second respondent establishes that she is an adopted daughter of the deceased employee, she would not be eligible for the family pension as the family pension is to be granted only in favour of the spouse of the deceased employee. Therefore, the authorities competent are bound to initiate all actions to settle the family pension due to the writ petitioner. It is not a case where there is a claim by a second wife or otherwise. Thus, there is no impediment for the authorities to settle the family pension. The learned counsel for the petitioner made a submission that the petitioner is suffering as she has to look after six daughters and the non-settlement of the family pension is affecting the livelihood of the petitioner and her daughters.



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6. In view of the facts and circumstances, the first respondent is directed to verify the records and initiate all steps to settle the family pension due to the writ petitioner, along with the arrears of the family pension and complete the said exercise within a period of eight weeks from the date of receipt of a copy of this order.

7. With these directions, this writ petition stands **allowed**. There shall be no order as to costs.

24.11.2022

Index : Yes
Speaking order
sha

To

1. The District Treasury officer,
District Treasury,
Nagapattinam District,
Nagapattinam.



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S.M.SUBRAMANIAM.J.,

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