



WEB COPY

W.P.No.27299 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 26.10.2022**

CORAM

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

**W.P.No.27299 of 2018**

V.Lalitha

...Petitioner

Vs.

1. The Government of Tamil Nadu  
Rep. by its Principal Secretary,  
Fort St.George, Chennai.
2. The Secretary, Finance (PGC) Department,  
Fort St.George, Chennai.
3. District Collector  
Cuddalore District.
4. Block Development Officer  
Keerapalayam Panchayat Union,  
Cuddalore District.

...Respondents

**Prayer :** Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the Respondents to waive the requirement of option in the facts and circumstances and to grant revised pensionary benefits and the consequential benefits accruing therefrom as provided in G.O.Ms.No.363, Finance (PGC) Department dated 23.08.2013 issued by the First Respondent, within a time frame.



|                 |   |                                            |
|-----------------|---|--------------------------------------------|
| For Petitioner  | : | Mr.L.Chandra Kumar for<br>Mr.R.Tholgappian |
| For Respondents | : |                                            |
| For R1 to R3    | : | Mrs.E.Indhumathi,<br>Government Advocate   |
| For R4          | : | No Appearance                              |

### **ORDER**

The order of rejection rejecting the claim of the writ petitioner to revise her Family Pension, based on the Government Orders issued in G.O.Ms.No.363, Finance Department dated 23.08.2013, is under challenge in the present writ petition.

2. The husband of the writ petitioner was a pensioner, he retired from service on 30.06.1992 and was receiving the pension from 01.07.1992 onwards. After the death of her husband, she is receiving the family pension continuously.

3. Pursuant to the Government Orders issued G.O.Ms.No.363, dated 23.08.2013, the pension was revised to the retirees who retired in between



01.06.1988 and 31.12.1995 and the petitioner states that the revision was not effected in favour of her husband during the relevant point of time. After the death of her husband, the petitioner made a representation to consider her case for grant of revision of pay, based on the said G.O.Ms.No.363. However, the respondents have rejected the claim merely on the ground that the family pensioner is not entitled to seek revision in pension.

4. It is needless to state that the revision is also to be effected for the pensioner who died and if at all, the pensioner is eligible under the Government Order, the said revision cannot be denied to the family pensioner as the family pension is only consequential and therefore, the respondents have to consider the eligibility of the writ petitioner to reconsider the case of the writ petitioner to grant benefits in accordance with the Government Order issued in G.O.Ms.No.363, which was due to her late husband.

5. Thus, the respondents are directed to verify the records and find out whether the benefits had already been extended in favour of the deceased husband of the writ petitioner, and if not already extended, then it is to be considered in favour of the writ petitioner as expeditiously as possible.



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costs.

6. With these directions, this writ petition stands **disposed of**. No

**26.10.2022**

Index : Yes  
Speaking order  
*sha*

To

1. The Principal Secretary,  
Government of Tamil Nadu,  
Fort St.George, Chennai.
2. The Secretary, Finance (PGC) Department,  
Fort St.George, Chennai.
3. District Collector,  
Cuddalore District.
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**S.M.SUBRAMANIAM, J.**

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