



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 01.02.2022**

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P (MD) No. 1819 of 2022

A.Kalyani

... Petitioner

-Vs-

1. The Principal Accountant General A&E Tamil Nadu,
No.361, Anna Salai,
Chennai - 600 018.

2. The Chief Educational Officer,
Office of the Chief Educational Officer,
Tenkasi Taluk and District - 627 811.

3. The District Educational Officer,
Office of the District Educational Office,
Tenkasi Taluk and District - 627 811.

4. The Secretary,
Sri Paramakalyani Higher Secondary School,
Alwarkurichi,
Tenkasi District - 627 412.

... Respondents

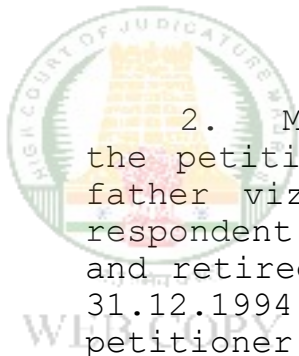
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the third respondent to forward the Family Pension Proposal submitted by the petitioner on 21.04.2021 without any further delay and in case it is being received by the first respondent on receipt of this to grant the family pension to the petitioner without any further delay and to order payment of cost to the third respondent for the delayed period caused by him with 6% interest.

For Petitioner : Mr.P.Senthur Pandiyan

For Respondents : Mr.P.Gunasekaran for R1
Mr.J.Ashok
Addl. Govt. Pleader for R2 and R3

O R D E R

The petitioner has filed this Writ Petition seeking a direction to the third respondent to forward the Family Pension Proposal, submitted by her on 21.04.2021, to the 1st respondent.



2. Mr.P.Senthur Pandiyan, the learned counsel appearing for the petitioner would submit that the petitioner is a widow. Her father viz., one Moockan, worked as Office Assistant in the 4th respondent School, which is under the control of the 3rd respondent and retired from service, on attaining the age of superannuation on 31.12.1994 and later, died on 21.11.2014 due to illness. The petitioner's father was receiving pension, while he was alive, as per PPO No.T116483/EDN, till his demise. Since his wife Annamalai predeceased him, she did not receive any family pension. Therefore, the petitioner, being a widow, is entitled for Family Pension, as per G.O.Ms.No.325 (Finance and Pension Department) dated 28.11.2011. Hence, the petitioner made an application for family pension on 21.04.2021, in the prescribed format, along with the relevant documents, but the same has not been considered so far. Hence, the petitioner is before this Court with the present Writ Petition for the aforesaid relief.

3. Mr.J.Ashok, the learned Additional Government Pleader, appearing for the respondents 2 and 3, on instructions, would submit that though the respondents 2 and 3 received the documents furnished by the petitioner as early as on 21.04.2021, some of the documents were furnished only on 28.01.2022. Now, they have prepared the proposal and the same would be forwarded to the 1st respondent within a short span of time.

4. Mr.P.Gunasekaran, the learned Standing Counsel appearing for the 1st respondent would submit that on receipt of the proposal from the 3rd respondent, the same would be considered as expeditiously as possible.

5. Admittedly, the petitioner's father, after serving as Office Assistant in the 4th respondent School, which is under the control of the 3rd respondent, retired from service, on attaining the age of superannuation on 31.12.1994 and he died on 21.11.2014. Since his wife Annamalai predeceased him, she did not receive any family pension. Therefore, the petitioner, who is his daughter and a widow, is entitled for Family Pension, as per G.O.Ms.No.325 (Finance and Pension Department) dated 28.11.2011 and she has also made an application in this regard on 21.04.2021.

6. It appears that the third respondent has not forwarded the proposal to the first respondent for sanction of family pension to the petitioner. Considering the fact that the petitioner, being the widow daughter of late Moockan, is suffering for her bread and butter without receiving the family pension, a direction in this regard deserves to be issued. Accordingly, the third respondent is hereby directed to forward the family pension proposal in respect of the petitioner to the first respondent within a period of one week from the date of receipt of a copy of this order. On receipt of such proposal, the first respondent shall consider the same, on merits and in accordance with law and sanction the family pension to the petitioner, within a further period of three weeks, thereafter.



7. With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (As)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vji

To

1. The Principal Accountant Genral A&E Tamil Nadu,
No.361, Anna Salai,
Chennai - 600 018.

2. The Chief Educational Officer,
Office of the Chief Educational Officer,
Tenkasi Taluk and District - 627 811.

3. The District Educational Officer,
Office of the District Educational Office,
Tenkasi Taluk and District - 627 811.

+1 CC to M/s.K.KUMARAVEL, Advocate (SR-3501[F] dated 01/02/2022)

+1 CC to M/s.SPL.GP (SR-3659[F] dated 02/02/2022)

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MGJ(06.04.2022) 3P 6C