



WP(MD)Nos.2969 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.06.2022**

CORAM:

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

W.P.(MD)No.2969 of 2021  
and  
W.M.P.(MD)No.2392 of 2021

R.Jegathambaal

... Petitioner

/vs./

1.The Local Audit Officer (Pension),  
Office of the Local Audit (Pension),  
Audit Branch,  
Tamil Nadu Generation and Distribution Corporation Ltd.,  
144, Anna Salai,  
Chennai 600 002.

2.The Superintendent Engineer,  
Office of the Superintending Engineer,  
Virudhunagar Electricity Distribution Circle,  
Tamil Nadu Electricity Generation and Distribution Corporation Ltd.,  
Virudhunagar.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records of the 1<sup>st</sup> respondent's impugned Letter in 06349/167/F.8//F.82/PPO.No.5030/2020 dated 22.06.2020 and quash the same as devoid of merits and consequently direct the 1<sup>st</sup> respondent to grant pension to the petitioner under the category of divorced



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daughter of Late.Ramasamy PPO.No.5030 as per the sanction of the 2<sup>nd</sup> respondent in Memo.No.0059-1/Adm.II/A.3/F.Family Pension/2020, dated 05.06.2020 w.e.f 23.10.2019 within the period as stipulated by this Court.

For Petitioner : Mr.A.Haja Mohideen  
For Respondents : Mr.S.Arivalagan  
Standing Counsel

### **ORDER**

The petitioner herein is the daughter of one S.A.Ramasasmy, who had retired as Revenue Supervisor on 31.12.1989. Though the petitioner herein was married at that point of time, she was in an estranged relationship with her husband and was totally depending on her father for maintenance. The employee had also given a sworn declaration dated 07.08.2018 to the respondents affirming that among three married daughters, the second daughter/writ petitioner along with her physically disabled girl child, was under his care and custody, since she was living separately from her husband and therefore, sought for sanction of family pension in her favour.



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**2.**The dates and events are that the employee died on 12.04.2019. Subsequently, the petitioner was granted divorce by the Sub Court, Sivakasi in HMOP.No.148 of 2019 on 22.10.2019. The petitioner's request for family pension under the category of divorced daughter came to be initially sanctioned by the second respondent herein on 05.06.2020. However, by a subsequent order dated 22.06.2020, the sanction was cancelled. The order of cancellation is under challenge in the present writ petition.

**3.**As per the Board proceedings No.52 dated 02.03.2018, the unmarried daughters, including widowed and divorced daughters, wholly depending on the employee of the TANGEDCO/pensioner, below 25 years and eligible unmarried/widowed/divorced daughters even after attaining the age limit of 25 years are eligible for family pension.

**4.**In the impugned order, apart from stating that the petitioner herein is not entitled for family pension, no specific reason has been assigned. Apparently, the respondents may have taken into account that as on the date of death of the employee, the petitioner herein was not granted a decree of divorce.



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5.The Board proceedings No.52 dated 02.03.2018 classifies eligibility in two categories for the daughters of the deceased employee. Firstly, unmarried daughters, including widowed and divorced daughters, wholly depending on the employee of the TANGEDCO/pensioner, when he was alive, below 25 years, are eligible for family pension and secondly, the eligible unmarried/widowed/divorced daughters even after attaining the age limit of 25 years, who were wholly depending on the employee of the TANGEDCO/pensioner, when he was alive, are also eligible for family pension. The proceedings does not define which daughter would be eligible and the criteria for such eligibility. When the Board proceedings is read in whole, the intention is to extend the family pension to the daughters, who are either unmarried, widowed or divorced, even after they complete 25 years, since they were wholly depending on the employee of the TANGEDCO, at that relevant point of time.

6.The deceased employee had also affirmed to the sworn declaration stating that as on 07.08.2018, the petitioner herein was under his care and custody, since



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she was deserted by her husband. Thus, it could be said that the petitioner herein was maintained by the deceased employee as on the date of his death and therefore, could be termed as “eligible divorced daughter who completed 25 years of age”. The petitioner herein is also now maintaining her physically challenged child and therefore, I am constrained to extend liberal interpretation to the eligibility criteria for divorced daughter under Board Proceedings No.52 dated 02.03.2018.

7.It could be relevant to point out here that a decree of divorce for the petitioner was granted in six months after the date of death of the employee and hence, there is a strong presumption that she was under the care and custody of her father at the time of his death. In this background, I am of the view that the petitioner would be entitled for family pension.

8.Since the present order is passed under the peculiar circumstances of the case, the same shall not be quoted as a precedent for any other cases of family pension.



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**WEB COPY** 9. In the result, the impugned order dated 22.06.2020 is set aside.

Consequently, there shall be a direction to the second respondent herein to pass orders, sanctioning family pension in favour of the petitioner herein under the category of a divorced daughter, within a period of four (4) weeks from the date of receipt of a copy of this order. This writ petition stands allowed accordingly. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

**23.06.2022**

Index : Yes / No  
Internet : Yes / No  
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**M.S.RAMESH, J.**

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Order made in  
**W.P.(MD)No.2969 of 2021**

Dated:  
**23.06.2022**