



WP(MD)No.15858 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.07.2022**

CORAM:

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

W.P.(MD)No.15858 of 2022

DAG.Jaikumar

... Petitioner

/vs./

- 1.The Additional Chief Secretary to Government,
Home, Police Fire and Rescue Department,
Secretariate, Chennai – 600 009.
- 2.The Director / DGP,
Fire and Rescue Department,
17, Rukmani Lakshmipathy Road,
Egmore, Chennai – 600 008.
- 3.The Principal Accountant General (A&E),
Pension Service, 361, Anna Salai, Chennai – 600 018.
- 4.The District Treasury Officer,
Madurai District Treasury Pension,
Madurai – 625 020.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 3rd respondent to include the name of the petitioner's wife J.Kalaiselvi in the Family Pension Scheme Proposal Form and in his Service Register to enable the family pension, based on the representation of the petitioner dated 02.07.2022.



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For Petitioner : Mr.T.Murugan

For Respondents : Mr.M.Siddharthan

Additional Government Pleader (for R1, R2 & R4)

Mr.P.Gunasekaran

Standing Counsel (for R3)

ORDER

Owing to certain matrimonial dispute, the petitioner herein was in an estranged relationship with his wife, Mrs.J.Kalaiselvi, in view of which, her name was omitted to be mentioned in his service records, for the purpose of family pension.

2.Rule 74(3) of the Tamil Nadu Pension Rules, 1978, (hereinafter referred to as “Rules” for brevity) prescribes that when the family of the deceased Government Employee is eligible for family pension, the Head of office shall address the widow or widower in Form 13, for making a claim in Form 14.

3.The petitioner now claims that he is in cordial relationship with his wife and therefore, seeks for inclusion of his wife's name, namely, Mrs.J.Kalaiselvi in his service register.



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4. The appropriate procedure for inclusion of such claim would be to make out an application under Form 14 of the Rules, to the Head of the Department for inclusion of the petitioner's wife's name. In this background, the petitioner is granted liberty to make an appropriate application under Form 14 of the Rules to the second respondent herein, seeking for inclusion of his wife's name for the purpose of family pension and on receipt of such application, the second respondent herein shall duly forward the same to the third respondent herein, for the purpose of inclusion of the petitioner's wife's name in the service records, atleast, within a period of two (2) weeks from the date of receipt of the application under Form 14 from the petitioner. Likewise, the third respondent herein shall carry out necessary amendments in the service register, within a period of four (4) weeks from the date of receipt of Form-14 from the second respondent. This Writ Petition stands allowed accordingly. There shall be no order as to costs.

21.07.2022

Index : Yes / No

Internet : Yes / No

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