



W.P(MD)No.24168 of 2018

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 10.11.2022

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.24168 of 2018

and

W.M.P.(MD)Nos.21863 and 21864 of 2018

1.K.Mani

2.M.Nagarathinam

... Petitioners

**Vs.**

1.The Union of India,  
Rep. by its Secretary,  
Ministry of Personal, Public Grievances & Pensions,  
Department of Pensions & Pensioner's Welfare,  
Lok Nayak Bhawan,  
New Delhi – 110 003.

2.The Deputy Inspector General,  
Central Industrial Security Force,  
CISF Unit BSL Bokaro,  
Bokaro District – 827 001,  
Jharkhand State.

3.Sharmila Devi

... Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for records relating to Clause No.8.6 of the Office Memorandum of the 1st respondent in F.No.38/37 /08-P & PW (A) dated 02.09.2008 issued by the 1st respondent and quash the same as illegal.



**W.P(MD)No.24168 of 2018**

For Petitioners : Mr.R.Ponkarthikeyan

For Respondents : Mr.Karunanithi,  
Senior Panel Counsel for R1 & R2.

### **ORDER**

Heard the learned counsel for the writ petitioners and the learned Senior Panel Counsel for the respondents 1 and 2. Even though efforts were made, service on the third respondent could not be effected.

2.The writ petitioners are husband and wife. Their son/M.Saravanan joined CISF as Constable. He died in unnatural circumstances in the official quarters at Jharkhand in the year 2013. The third respondent was his wife. It appears that the third respondent got remarried.

3.The petitioners demand payment of family pension.

4.The learned Senior Panel Counsel for respondents 1 and 2 submitted that the impugned order does not call for interference and pressed for dismissal of the writ petition.



5.The issue on hand will have to be answered with reference to CCS Pension Rules, 1972. Rule 54 deals with family pension. The relevant provision is Rule 54(6). It reads as follows:-

*“(6) The period for which family pension is payable shall be as follows:-*

*(i) subject to first provisio, in the case of a widow or widower, up to the date of death or re-marriage, whichever is earlier;*

*(ii) subject to second provisio, in the case of a unmarried son, until he attains the age of twenty-five years or until he starts earning his livelihood, whichever is the earliest;*

*(iii) subject to second and third provisios, in the case of an unmarried daughter or widowed or divorced daughter, until she gets married or remarried or until she starts earning her livelihood, whichever id earlier;*

*(iv) subject to sub-rule (10-A) in the case of parents, who were wholly dependent on the Government servant immediately before the death of the Government servant, for life;*

*(v) Subject to sub-rule 10(B) and the fourth provisio, in the case of disabled siblings (i.e., brother and sister) who were dependent on the Government servant immediately before the death of the Government servant, for life;*

*Provided that family pension shall continue to be payable to a childless widow on re-marriage, if her income from all other sources is less than the amount of minimum family pension*



WEB COPY



W.P(MD)No.24168 of 2018

*under sub-rule (2) of this rule and the dearness relief admissible thereon:*

*Provided further that if the son or daughter of a Government servant is suffering from any disorder or disability of mind including mentally retarded or is physically crippled or disabled so as to render him or her unable to earn a living even after attaining the age of twenty-five years, the family pension shall be payable to such son or daughter for life subject to the following conditions, namely :-*

*..... ”*

6.It can be seen from the above that widow has the first claim. The dependant parents would come only next. Even a widow on remarriage is eligible to receive family pension subject to fulfilment of the conditions set out in the proviso. In this case, the employer has to undertake the said exercise. Notice will have to be issued to the third respondent and it must be seen if her current income from all other sources is less than the amount of minimum family pension and the dearness relief. If the employer is satisfied that the third respondent is no longer eligible, then the family pension shall be paid to the writ petitioners. If there is no response from the third respondent even after diligent efforts then also, the employer shall pay the family pension to the writ petitioners herein. The entire exercise shall be completed within a period of six months from the date of receipt of a copy of this order.



W.P(MD)No.24168 of 2018

WEB COPY

7.The writ petition is disposed of on these terms. No costs.

Consequently, connected miscellaneous petitions are closed.

**10.11.2022**

Index : Yes / No  
Internet : Yes/ No  
ias



WEB COPY



**W.P(MD)No.24168 of 2018**

**G.R.SWAMINATHAN, J.**

ias

**W.P(MD)No.24168 of 2018**

**10.11.2022**