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W.P(MD)No.21800 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 04.02.2022
Pronounced on : 08.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P (MD)No.21800 of 2021

Chellammal Shanmugam

Vs

... Petitioner

- 1.The Director,
Government of India,
Ministry of Defence,
Defence Research and Development Organisation,
Naval Physical and Oceanographic Laboratory,
Thikkakara Post, Kochi,
Kerala - 682 2021.
- 2.The PCDA(P) (PR Controller of Defence Accounts),
(Pension)
GI EDP (Civil),
Draupathi Ghat,
Allahabad - 211014.
- 3.The Chief Manager,
CPPC State Bank of India,
112/4, K.K.Street,
Virugambakkam, Chennai -629 301.
- 4.The Manager,
State Bank of India,
Aramboli Branch,
Thovalai Tk,
Kanyakumari (District),
Tamil Nadu - 629 301.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for a writ of mandamus directing the 3rd and 4th respondents to disburse the family pension to the petitioner as ordered by the 1st respondent falling due every month to the petitioner in future including the arrears from March 2021 in pursuance of the written representation dated 29.07.2021 to the 3rd respondent and dated 27.08.2021 to the 4th respondent.

For Petitioner : Mr.P.Senthur Pandian

For Respondent : Mr.S.Sivakumar,
Nos.1 and 2 Central Government Standing Counsel

ORDER

This writ petition is filed for mandamus directing the respondents 3 and 4 to disburse the family pension to the petitioner as per the direction of the first respondent.

2.The case of the petitioner is that her son one Jagadeesh while was working as the Scientist under the first respondent died as bachelor on 28.07.2015. As the legal heir of the deceased son, family pension was ordered in her favour vide CMISCFP/010040/2016 in Account No. 11336529007 in PPO Unique I.D.F11968540 and accordingly she was receiving family pension through the fourth respondent.



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3.The grievance of the petitioner is she received the last family pension on 23.02.2021 and thereafter, the family pension was not credited to her. When she approached the fourth respondent bank, she was directed to submit income certificate and life certificate. Accordingly, she claims that she has produced the same to the fourth respondent in person. She has also made a representation to the fourth respondent bank on 27.08.2021 seeking disbursement of family pension including four months arrears. However her grievance has not been redressed and therefore she has approached this Court that she is not provided family pension after February 2021.

4.A counter affidavit has been filed by the 1st and 2nd respondents stating that the he petitioner has been provided with family pension order vide a Corrg.PPO No.C/CORR/MISC/FP/12243/2017 dated 12.02.2019 by the second respondent. The pension is to be disbursed by the pension disbursing agency subject to certain conditions such as periodic submissions of declaration of non-earning certificate, certificate of non-marriage / non-remarriage,



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life certificate, etc., The family pension is payable to dependent parents, first to the mother, then father, when there are no other claimants or when such claimants are ineligible, as per the provisions of Central Civil Service (Pension) Rules, 1972. In this regard, a copy of official memorandum in OM.No.12/4/2020-P&PW(C)-63, dated 15.05.2020 issued by the Department of Pension and Pensioner's Welfare, Ministry of Personnel, Public Grievances and Pension is produced before this Court, based on which, the life certificate and income certificate are sought from the family pensioners periodically.

5.The main grievances of the petitioner is she is not getting the family pension from March 2021. When she approached the fourth respondent, income certificate and life certificate were directed to be submitted. Accordingly, she claims that the certificates as required by the fourth respondents were produced in person. She has also sent a representation to the fourth respondent.



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6.It is seen from the official memorandum in OM.No.12/4/2020-P&PW(C)-63, dated 15.05.2020 issued by the Department of Pension and Pensioner's Welfare, Ministry of Personnel, Public Grievances and Pension, where consolidated instructions are given to pension disbursing authorities to ensure smooth payment of pension/ family pension to pensioner's / family pensioners. The guidelines issued in respect of life certificate are given in guideline Nos.viii and xii, which are as follows:

viii)**Submission of life certificate:** Life certificate has to be submitted by every pensioner/family pensioners in the month of November every year. Pension Disbursing bank will also accept Aadhar enabled Digital Life Certificate Jeevan Pramaan. Old aged pensioners who are 80 years and above can submit life certificate in the month of October also. (D/o Pension & Pensioners Welfare's OM No. 1/20/2018 P&PW (E) Dated 18.07.2019)

(xii) **Obtaining of Life Certificate from the doorstep of the pensioners:-** The Department has issued directions to all the Pension Disbursing Banks to send SMSs/Emails to all their pensioners



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on 24th October, 1st November, 15th November and 25th November every year reminding them to submit their Annual Life Certificates by 30th November. The Department directed all Pension Disbursing Banks to make an exception list as on 1st December every year of those pensioners who fall to submit their Life Certificate and issue another SMS/Email to them for submitting the Life Certificate. The bank in addition will also ask such pensioners through SMS/Email as to whether they are interested in submission of Life Certificate through a chargeable door-step service, on a nominal charge not exceeding Rs. 60/-. ([D/o Pension & Pensioners Welfare's Circular No.12/4/2020-P&PW\(C\)-6300 dated 17.01.2020](#))."

7.From the above guidelines it is seen that the government has introduced a facility viz., Jeevan Pramaan, which is a bio-metric enabled digital service for pensioners. Pensioners of Central Government, State Government or any other Government organization can take benefit of this facility. This scheme is said to be introduced based on the following reasons.



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"The very requirement of pensioners/ family pensioners personally being present in front of the disbursing agency or getting a life certificate often becomes a major hurdle in the process of seamless transfer of pension amount to the pensioner. It has been noted that it causes a lot of hardship and unnecessary inconvenience particularly for the aged and infirm pensioners who cannot always be in a position to present themselves in front of the particular authority to secure their life certificate. In addition to this a lot of government employees post their retirement choose to move to a different location either to be with their family or other reasons, hence causing a huge logistical issue when it comes to accessing their rightful pension amount."

8.The Digital Life Certificate for Pensioners Scheme of the Government of India known as Jeevan Pramaan is introduced with an object to address the very above problem by digitizing the whole process of securing the life certificate.

9.When the main object of introduction of such facility is to address the very problem of the pensioners,



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the petitioner is facing the very same problem. She claims that she produced the life certificate and income certificate as directed. However, she alleges that she has not been provided family pension after February 2021. The first and second respondents claim that it is for the pension disbursing authorities to address the issue.

10.Be that as it may, the third and fourth respondents shall consider the representation of the petitioner dated 27.08.2021 and address her grievance as expeditiously as possible, but not later than one month.

11.The writ petition is disposed on the above terms.
No costs.

08.07.2022

dsk

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

8/10



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B. PUGALENDHI, J.

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