



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.26886 of 2019
W.M.P. (MD) .No.23607 of 2019

S.Sathya Narayani

... Petitioner

Vs

1. The Principal Accountant General (A&E),
Chennai.
- 2.The Chief Educational Officer,
Pudukkottai,
Pudukottai District.
- 3.The Headmistress,
Rani Government Girls Higher Secondary School,
Pudukottai.
- 4.The President,
Pudukottai District Central Co-operative Bank,
Pudukottai Town Branch,
Pudukottai.

...Respondents

Prayer:-Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the first respondent to consider the petitioner's case for family pension payable on the death of her mother namely G.Vijayakumari was working as P.G.Assistant (Tamil) in the third respondent School by considering her representation dated 01.03.2019 and 07.11.2019.

For Petitioner : Mr.T.Lenin Kumar

For Respondents : Mr.P.Gunasekaran for R1
Mr.G.V.Vairom Santhosh
Additional Government Pleader
for RR2 and 3



O R D E R

The relief sought for in the present Writ Petition is to direct the first respondent to consider the case of the petitioner for family pension payable on the death of her mother namely G.Vijayakumari, who was working as P.G.Assistant (Tamil) in the third respondent School, by considering her representation dated 01.03.2019 and 07.11.2019.

2. The mother of the petitioner was working as P.G.Assistant in the third respondent School. She died on 16.07.2009 in a road accident. After the death of the mother of the petitioner, the father of the petitioner was receiving the family pension as per the Tamil Nadu Pension Rules and he also died. The petitioner states that her father was not looking after her interest. Therefore, the family pension is to be paid to her.

3. As per the Tamil Nadu Pension Rules, the family pension cannot be paid other than the spouse of the employee. In the present case, the spouse of the deceased employee (i.e.,) husband was receiving the family pension till his death. Therefore, the petitioner is not eligible for family pension.

4. However, the learned counsel appearing for the petitioner made a submission that the petitioner is aged about 22 years and therefore, she is entitled to get family pension till she attains the age of 25 years.

5. However, if at all the petitioner is eligible for family pension as per the Rules, she is at liberty to submit appropriate application in the prescribed format along with relevant documents to the Authorities Competent. The Authorities Competent, who in turn, shall consider the same strictly in accordance with the provisions of the Pensions Rules in-force.

6. With this liberty, the Writ Petition stands disposed of. No costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

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/ /2022

Sub Assistant Registrar(CS)

ssb



To

1. The Principal Accountant General (A&E),
Chennai.

2. The Chief Educational Officer,
Pudukkottai,
Pudukkottai District.

3. The Headmistress,
Rani Government Girls Higher Secondary School,
Pudukkottai.

4. The President,
Pudukkottai District Central Co-operative Bank,
Pudukkottai Town Branch,
Pudukkottai.

+1 CC to M/s.T. LENIN KUMAR, Advocate(SR-21345[F] dated
26/04/2022)

+1 CC to M/s.SPL GP. (SR-21279[F] dated 26/04/2022)

W.P.(MD) No.26886 of 2019

25.04.2022

MGJ(11.05.2022) 3P 7C