



WEB COPY



WP No. 2876 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2023

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN
and
THE HONOURABLE MR. JUSTICE P.B. BALAJI

Writ Petition No. 2876 of 2023
and
W.M.P. No. 2987 of 2023

R. Gothai

.. Petitioner

Versus

1. The Chief Judicial Magistrate
Salem
Salem District
2. The Principal Secretary
Commissioner of Treasuries & Accounts
Integrated Complex for Finance Department
3rd Floor, Veterinary Hospital Campus
Anna Salai, Nandanam
Chennai - 600 035
3. The Pension Officer
Commissioner of Treasuries & Accounts
Integrated Complex for Finance Department
3rd Floor, Veterinary Hospital Campus
Anna Salai, Nandanam
Chennai - 600 035
4. The District Collector
District Collectorate
Salem District



WP No. 2876 of 2023

5. The District Treasury Officer
Office of the District Treasury
Collector Office Camps
Salem District

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the second respondent to direct the third respondent to issue the contributory family pension to the petitioner pursuant to the petitioner's representation dated 29.11.2022

For Petitioner : Mr. N. Siva
For Respondents : Mr. P. Kanna Kumar for R1

ORDER

[Order of the Court was made by R.MAHADEVAN,J,]

The Petitioner has filed this writ petition praying to issue a Writ of Mandamus directing the second respondent to instruct the third respondent to issue contributory family pension to her on the basis of her representation dated 29.11.2022.

2. It is stated by the petitioner that her father worked as a Typist in the Court of Judicial Magistrate No.5, Salem and retired in the year 1976. On his retirement, he was in receipt of his pension. Similarly, the petitioner's mother Mrs. Indirani was employed as Tamil Teacher in St. Mary's Higher Secondary School and retired on 01.07.1987. It is further stated that her mother died on 26.02.2000 and on 01.05.2016, her father also died.

Subsequently, on 05.09.2017, the petitioner's brother Gopinath died as a



WP No. 2876 of 2023

bachelor. On their death, the petitioner was left without the support of any of her family members and therefore she joined Young Women Christian Association, an Old Age Home and was staying there. It is further stated that the petitioner is also unmarried and she has no financial support to lead a normal life. In such circumstances, the petitioner submitted representations to the respondents seeking to disburse family pension to her by taking note of her plight as an unmarried daughter of a retired government servant as well as pensioner. The petitioner thereafter submitted a representation, along with the copies of the documents to the office of the first respondent in person on 24.12.2018. After several attempts, ultimately, on 05.12.2022, the first respondent sent a communication to the petitioner calling upon her to furnish certain documentary evidence on or before 15.12.2022. The petitioner therefore sent a representation dated 14.12.2022 in which she had enclosed all the document as called for in the communication dated 05.12.2022 of the first respondent. Thereafter, the petitioner did not receive any further communication, hence, she has filed this writ petition before this Court.

3. The learned counsel for the petitioner submitted that as per the order passed in G.O. Ms. No. 325, Finance (Pension) Department dated 28.11.2011 and G.O. Ms. No.165, Finance (Pension) Department dated



WP No. 2876 of 2023

21.05.2012, the petitioner, as an unmarried daughter of a pensioner, is entitled to family pension. The petitioner has been approaching the respondents from the year 2015 but of no avail. Even the District Legal Services Authority, Salem has forwarded the application of the petitioner on 12.12.2017 to the District Treasury Officer, who in turn sent a communication dated 28.12.2017 stating that the parent department of the pensioners namely Judicial Department or the Education Department, where the petitioners parents were employed and retired, have to send necessary proposals to the Accountant General of Tamil Nadu for payment of pension and in the absence of the same, the petitioner cannot be paid pension. The petitioner thereafter approached the respondents with a representation dated 29.11.2022 reiterating her request for payment of pension, but no order has been passed thereof, hence, the learned counsel prayed for issuing appropriate direction to the first respondent to pass appropriate orders on the application submitted by the petitioner on 29.11.2022 within a time frame.

4. On the above submissions of the learned counsel for the petitioner, we have heard the learned counsel for the first respondent and perused the material records.



WP No. 2876 of 2023

5. Taking note of the facts of the case and the submissions of the counsel for the petitioner, we direct the first respondent to pass appropriate orders on the representation dated 29.11.2022 of the petitioner on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order and serve a copy of the same to the petitioner.

6. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(R.M.D., J) (P.B.B., J)

07.02.2023

ay/rsh

Index: Yes / No

Speaking Order / Non-speaking Order

Neutral Citation: Yes / No

Copy to

1. The District Collector
Salem District
Salem - 636 001

2. The Revenue Divisional Officer
Salem - 636 001

3. The Revenue Tahsildar
Salem West
Salem



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WP No. 2876 of 2023

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and
P.B. BALAJI, J

ay/rsh

WP No. 2876 of 2023

07.02.2023