



W.P.(MD).No.8681 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 17.04.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No. 8681 of 2023

T. Kalidasan

... Petitioner

Vs.

1.The Accountant General,
(Accounts & Entitlements),
Anna Salai,
Chennai – 600 018.

2. The Tahsildar,
Alangudi – 622 301,
Pudukkottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of ***Writ of Mandamus***, directing the 1st respondent to disburse the family pension to the petitioner / Guardian of her mentally challenged brother Thiru.T.Venkateswaran payable on the death of the petitioners father namely C.Thangarajan, with effect from 22.03.2014 (i.e. the day following the date of death of C.Thangarajan) with interest by considering the proceedings of the 2nd respondent in R.C.No. 6069/2015/A4 dated .01.2023.

For Petitioner : M/s.R.Maheswaran

For R-1 : M/s.S.Mahalakshmi

For R-2 : Mr.T.Villavan Kothai,
Additional Government Pleader



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ORDER

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By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2. The writ petition has been filed for ***Writ of Mandamus***, directing the 1st respondent to disburse the family pension to the petitioner, who is the Guardian of his mentally challenged brother T.Venkateswaran payable on the death of the petitioner's father namely, C.Thangarajan, with effect from 22.03.2014.

3. The petitioner is elder son of the deceased employee, namely, C.Thangarajan. The deceased employee has left two sons and five daughters, namely 1.Rajeswari 2.Muthulakshmi 3. Kaleeswari 4.T.Kalidasan/petitioner 5.Muthumari 6.Lakshmi Narayan and 7.T.Venkateswaran.

4. When the application was processed all the daughters were married except Muthumari. Therefore, the 1st respondent objected to the proposal stating that the Muthumari is eligible for family pension and thereafter, the family pension can be disbursed to the said Muthumari only. The legal heirs are entitled in the order of seniority, the elder legal heir would be entitled first. In this principle of elder first, the said



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Muthumari is entitled, then only the mentally challenged person would be entitled for family pension.

5. When the writ petition was taken up for hearing, the Learned Counsels appearing for parties submitted that now, the said Muthumari is married and hence, she cannot claim the family pension of the deceased employee. On such marriage of the said Muthumari, the only legal impediment to grant family pension to the said mentally challenged person, namely T.Venkateswaran is not there.

6. It is seen from the records that the 2nd respondent has submitted a proposal to the 1st respondent, vide proceedings, dated 23.03.2023 in R.C.No. 6079 /2015/A4 to grant family pension to the mentally challenged person, namely T.Venkateswaran, through the guardian, namely, writ petitioner T.Kalidasan. The said Kalidasan was appointed as guardian in G.W.O.P No.1 of 2016, vide Judgment, dated 16.03.2016.

7. Since there is no legal impediment to grant family pension to the said T.Venkateswaran as on date. Therefore, the said proposal of the 2nd respondent dated 23.03.2023 in R.C.No.

6079 /2015/A4 shall be accepted by the 1st respondent and grant the



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family pension to the said mentally challenged person, namely T.Venkateswaran, through the guardian, namely, writ petitioner T.Kalidasan. The said exercise shall be completed within a period of 12 weeks from the date of receipt of a copy of the order. With these directions and observations, this Writ Petition is allowed. No Costs.

Index : Yes / No
Internet : Yes
ksa

17.04.2023

To

The Tahsildar,
Alangudi – 622 301,
Pudukkottai District.



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S.SRIMATHY, J

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**Order made in
W.P.(MD)No.8681 of 2023**

17.04.2023