



W.P.(MD)No.11829 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

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M.Meena

: Petitioner

Vs.

1.The Assistant General Manager
Pension Provident Fund and Gratuity Department,
Local Head Office Circletop House,
7 th Floor, 16 College Lane,
Nungambakkam,
Chennai - 600 006.

2.The Branch Manager
State Bank of India,
Vadagarai Branch,
Periyakulam,
Theni District.

: Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India
praying for issuance of Writ of Certiorarified Mandamus to call for the



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records of the impugned Order passed by the 1st respondent's proceedings in LHO/PPG/FP/235 dated 27.02.2020 and quash the same and consequently direct the 1st respondent to sanction the family pension based on the petitioner's representation, dated 10.02.2020.

For Petitioner : Mr.S.Alagarsamy

For Respondents : Mr.V.P.Rajan

ORDER

This writ petition has been filed to quash the impugned Order passed by the 1st respondent's proceedings in LHO/PPG/FP/235 dated 27.02.2020 and consequently direct the 1st respondent to sanction the family pension based on the petitioner's representation, dated 10.02.2020.

2. The learned counsel for the petitioner submitted that the petitioner is the daughter of one Murugan. Her father entered into a Government Service as Assistant in State Bank of India, Iyyampalayam Branch in the year 1979. During his tenure, his mother Backyalakshmi died



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in the year 2003 leaving behind her husband Murugan and her children namely, Maheswari, Gomathy Meena, Jeyashree and one Ponraj. On the date of petitioner's mother's demise, her sister Meena and younger brother Ponraj are minors aged about 17 and 15 years. The said Maheswari, Gomathy and petitioner are major aged about 24, 22, 20 years respectively. On the date of death, they have all resided under one roof. Except the petitioner, other two elder sisters and younger sister got married and they were living with their family members. The petitioner's father retired from Bank service in the year 2008 at State Bank of India, Uthamapalayam Branch. During his service, except the petitioner, all sisters and brother got married and after retirement, the petitioner take care of her father, till his death. The petitioner's father died in the year 2019. During the life time, the petitioner and her father depends upon the pension amount. Except the pension amount, no other source of income for her livelihood. After the death of the petitioner's father, the petitioner made a representation to grant family pension on the ground of unmarried dependent. However, the said representation was rejected on 27.02.2020 by passing the impugned order, impugned in the writ petition on the ground that the petitioner being an



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unmarried daughter is entitled to receive family pension upto the age of 25 years and thereafter, she is not entitled to. Since the petitioner had crossed the age of 25 years, they refused to pay the pension amount. Challenging the same, the present writ petition is filed.

3. The learned counsel for the petitioner further submitted that the petitioner is an unmarried daughter and the sole dependant of the petitioner's father and after death of the petitioner's father, she is entitled to receive family pension for an unlimited period unless she got married or gainfully employed. In the absence of gainful employment or marriage, they refused to grant family pension in favour of the petitioner is not sustainable one and the same was reiterated by the Apex Court in its decision in S.L.P.(Civil) No.17706 of 2017, dated 27.09.2019 and the same was followed by the Division Bench of Punjab and Haryana Court in the case of Khajani Devi Vs. Union of India and Others in the LPA No.1721 of 2015, dated 29.07.2016 and the same issue was considered and held in favour of the petitioner. Accordingly, he prayed for allowing the writ petition.



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4. Per contra learned Standing Counsel appearing for the respondent would submit that the petitioner claims family pension on the ground of being unmarried daughter of the deceased Bank employee citing Central Civil Service (Pension) Rules, 1972. Since the separate Rules for the payment of Family Pension is governed to the employees of the Bank, the claim of the petitioner was rejected rightly. The petitioner cannot claim family pension on the ground of being unmarried daughter of deceased employee beyond the age of 25 in the absence of specific provision under the Standard Operating Procedure for payment of Family Pension. Further when there is a separate standing order, the CCS (Pension) Rule will not apply to the present case of the petitioner. Hence, he prayed for dismissal of the writ petition.

5. Heard the learned counsel on either side and perused the materials available on record.

6. The facts in the presence case are not in dispute. Admittedly, the petitioner's father entered into Government service in the year 1979 and



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he retired from service in the year 2008 and thereafter, he passed away on 11.09.2019. It is also an undisputed fact that the other legal heirs are already married and they settled with their family, except the petitioner. It is also undisputed that the petitioner is an unmarried daughter. She made a claim for family pension in lieu of the death of her father and the said application was rejected on the ground that the petitioner had crossed the age of 25 years.

7. For better appreciation relevant portion of the Eligibility Clause (iii) (c) of the Standard Operating Procedure for payment of Family Pension in case of Death of an Employee in Service, is as follows :

Eligibility

(iii) Family pension payable :-

a) To widow/ Widower up to her / his death or remarriage which ever is earlier.

b) Failing (a) above, to the eldest surviving children in order of their birth up to the age of 25 years or he / she is gainfully employed whichever is earlier.



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c) In case the beneficiary is an unmarried daughter, until she attains 25 years of age or is married or is gainfully employed whichever occurs first.

8. On a perusal of the above said provision, with regard to the eligibility for getting family pension in lieu of the death of petitioner's father in case the beneficiary as an unmarried daughter like that of the petitioner, until she attains the age of 25 years or she got married or gainfully employed, whichever is occurred first. In the present case, already the petitioner had crossed the age 25 of years unmarried daughter and she claimed that she is not gainfully employed and even then, she is entitled to upto the age of 25 years beyond that she is not entitled. The decision referred to by the learned counsel for the petitioner is not applicable to the facts of the present case. In respect of the Apex Court decision it relates to the disbursement of the family pension in respect of an unmarried daughter and the Apex Court did not discuss about the age limit for disbursement of the pension. The other decision referred to by the learned counsel for the petitioner is in respect of Division Bench of the Punjab and Haryana Court,



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it is applicable to freedom fighter pension applicable to the dependents and the said two decision is not applicable to the present case on hand. Hence, the dispute in receiving the family pension under the State Bank of India Standard Operating Procedure and it is governed by a Separate Procedure. In the Separate Procedure, it is made clear that upto the age of 25 years the dependent is entitled to receive pension and beyond that, not entitled to receive pension. Hence, the prayer sought for in this writ petition cannot be granted.

9. Accordingly, this writ petition is dismissed. No costs.

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Index : Yes / No
Internet : Yes / No
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M.DHANDAPANI, J.

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