



W.P.(MD)No.14938 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.14938 of 2020

and

W.M.P(MD)Nos.12573 and 12574 of 2020

G.Subashini

... Petitioner

Vs.

1. The Secretary,
Finance (Pension) Department,
Secretariat,
Government of Tamil Nadu,
Fort St.George,
Chennai - 600 006.
2. The Accountant General (Accounts and Entitlements),
Office of the Accountant General
(Accounts and Entitlements) Tamil Nadu,
361 Anna Salai,
Teynampet,
Chennai - 600 018.
3. The Commissioner,
Department of Economics and Statistics,
MC Compound, 259, Block II, DMS Compound,
Teynampet,
Chennai - 600 006.



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4. The Pension Pay Office,
1st Floor, EVK Sampath Maaligai,
DPI Campus,
College Road,
Chennai – 600 006.

5. The Tahsildar,
Thiruverumbur Taluk,
Thiruverumbur Taluk Office,
Thiruverumbur,
Tamil Nadu – 620 013.

.... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order of the second respondent herein dated 18.08.2020 vide proceedings No.P27/4/1275539/ADK/76 and quash the same and consequently, direct the second respondent to grant family pension to the petitioner herein as per G.O.(Ms)No.325, dated 28.11.2011 of the first respondent.

For Petitioner : Mr.B.Prashanth Nadaraj

For Respondents : Mr.S.P.Maharajan
Spl. Govt. Pleader for R1,R3-R5
Mrs.S.Mahalakshmi for R2



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ORDER

This Writ Petition has been filed to call for the records of the impugned order vide proceedings No.P27/4/1275539/ADK/76, dated 18.08.2020 passed by the second respondent, quash the same and consequently, direct the second respondent to grant family pension to the petitioner as per G.O.(Ms)No.325, dated 28.11.2011 of the first respondent.

2. The case of the petitioner is that the petitioner's father was a retired Government employee and he retired from service on 31.08.1992. Thereafter, the petitioner's father had been receiving pension and subsequently, her father died on 30.01.2005. After his death, the family pension was sanctioned to her mother. In the interregnum, the petitioner's marriage with one Senthil @ Arumugham was dissolved by the learned Subordinate Judge, Tiruchirappalli, dated 08.03.2011. After the demise of the petitioner's mother, since she is a deserted woman, made an application on 02.08.2019 to the third respondent to grant family pension



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to her as per G.O.(Ms)No.325, dated 28.11.2011 of the first respondent.

However, the third respondent had requested for some additional documents and the same has been complied by the petitioner. The third respondent has forwarded the same to the second respondent on 06.03.2020 along with the service book. But the second respondent has returned the service book for correction of some discrepancies. Thereafter, the second respondent has returned the service book and declared that the petitioner is not eligible for family pension as per the said G.O. because she was discarded by her husband by way of impugned order dated 19.08.2020. Challenging the same, the present Writ Petition has been filed.

3. The learned counsel appearing for the petitioner would submit that the petitioner is a deserted woman and her marriage was dissolved by the learned Subordinate Judge on 08.03.2011. However, the same was not properly considered by the respondents, which is not sustainable one. Accordingly, she prayed for appropriate orders.



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4. The learned counsel for the respondents would submit that if the petitioner submitted the Deserted Woman Certificate to the respondents, the same will be considered.

5. Heard the learned counsel appearing for the parties and perused the materials placed before this Court.

6. Considering the facts and circumstances of the case that though the petitioner's parents were passed away in the year 2005 and 2019, she made an application for family pension and the same was rejected on the ground that the petitioner has not come under the purview of deserted woman or destitute widow and her marriage was dissolved by the learned Subordinate Judge, on 08.03.2011. Hence, the respondents arrived at a conclusion that the petitioner had discarded by her husband and she is not eligible for family pension as per G.O.(Ms)No.325, dated 28.11.2011.



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7. In view of the above, this Court is inclined to issue a direction to the petitioner to approach the Competent Authority for obtaining Deserted Woman Certificate, if the certificate is obtained, the same may be submitted before the respondents by way of fresh application within a period of two weeks from the date of receipt of the certificate. On receipt of such application, the respondents are directed to pass appropriate orders within a period of four weeks thereafter.

8. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

14.02.2023

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

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