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O.P.No.110 of 2024

C.V.KARTHIKEYAN, J.

This Original Petition has been filed taking advantage of Clause 17 of Letters Patent seeking to appoint the petitioner as guardian of her younger brother, who is unfortunately mentally ill and to permit the petitioner to act as his manager and to receive and operate the pension account of their father, S.Rajagopalan, which is receivable from the Ministry of Home Affairs, Census Department, New Delhi.

2.The father was working as Deputy Director in the Census Department under the Ministry of Home Affairs, New Delhi and had retired from service on 31.08.1989. He was receiving his pension till his death. Subsequently, the mother of the petitioner, Mrs.R.Jayalakshmi, was receiving the family pension. Thereafter, she died on 18.05.2019. The younger brother of the petitioner and the younger son of Mr.S.Rajagopalan is mentally ill. The pension rules provide that family pension could be continued. It is under those circumstances that this petition has been filed.



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3.The petitioner has also stated that she has another brother who is living in USA and had granted consent for the younger brother Mr.R.Narasimhan to receive the family pension. The petitioner had also given the consent for the younger brother to receive the family pension.

4.After following due procedure, the petitioner was directed to tender evidence and accordingly, she examined herself as PW-1. She marked the copy of the pension payment order of his father as Ex.P2. The death certificates of her parents were marked as Exs.P3 and P4. The medical records of her younger brother issued by the JIPMER Hospital, Puducherry was marked as Ex.P5 series. The NOC given by her brother was marked as Ex.P6. The disability certificate issued by the Department of Psychiatry, JIPMER, Puducherry was marked as Ex.P7. The certificate issued by the Tahsildar, Alandur Taluk, that Mr.R.Narasimhan has no sources of income was marked as Ex.P8.

5.This Court had directed that the medical profession who had issued the certificate should also be examined. Accordingly, the petitioner examined Dr.Shivanand Kattimani, who is working in the Department of



Psychiatry at JIPMER in Puducherry, as PW-2. He filed his proof affidavit and asserted that he was one among the team in the Department of Psychiatry, who examined R.Narasimhan and found that he had severe mental illness Schizophrenia with disability of 75% and had issued the certificate of disability dated 04.11.2022, which was marked as Ex.P7.

6.In view of the evidence recorded, this Original Petition stands allowed. The petitioner is appointed as guardian of her younger brother, Mr.R.Narasimhan, who is mentally ill, to act as his Manager and to receive the family pension payable consequent to the service of their father in the Department of Census under the Ministry of Home Affairs, New Delhi. The petitioner is also permitted to operate and utilize the family pension for the benefit of the mentally ill person, Mr.R.Narasimhan / younger brother. The sucession certificate may be issued in accordance with the rules.

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