



W.P.No.1274 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2024

CORAM

THE HON'BLE **MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P.No.1274 of 2022

K.Chinnannan

... Petitioner

Vs.

1.The Superintendent,
Central Prison,
Salem.

2.The Principal Accountant General (A&E),
Tamil Nadu,
Chennai – 600 018.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus to direct the 1st respondent to submit proposals for sanctioning Family Pension to the petitioner with effect from 28.05.2021 and disburse the same after getting authorization from the 2nd respondent.



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For Petitioner : Mr.R.Subash
for Mr.M.Ravi

For Respondents : Mr.C.Jayaprakash
Government Advocate
for R1
M/s.J.Sreevidhya
for R2

ORDER

This writ petition has been filed directing the respondents to submit proposal for sanctioning Family Pension to the petitioner with effect from 28.05.2021.

2. The case of the petitioner is that the petitioner's wife was employed as Police Constable Grade - II with effect from 22.04.2009 and she died while she was in service in the year 2021. The petitioner being a dependant widower is entitled to Family Pension as per Rule 49(6) of the Tamil Nadu Pension Rules, 1978. However, till date, no family pension is paid and that there is no positive response from the respondents. Hence, this writ petition.

3. Mr.C.Jayaprakash, learned Government Advocate appearing on behalf of the 1st respondent would submit that the date of regular appointment



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of the petitioner's wife was 22.04.2009 and as such she is covered by the Contributory Pension Scheme and Tamil Nadu Pension Rules, 1978 is not applicable to the case of the petitioner. Under the Contributory Pension Scheme, there is no family pension to the dependant/family members and they are entitled to receive only the lump sum payment which has already been settled to the petitioner.

4. In view thereof, this Writ Petition is not entitled to Family Pension.

5. I have considered the rival submissions made on either side and perused the materials on records.

6. As rightly contented by the learned Government Advocate appearing on behalf of the 1st respondent, when no family pension is payable under the Tamil Nadu Pension Rules, 1978, the same cannot be claimed. When the petitioner's wife was regularly appointed only on 22.04.2009 under the Contributory Pension Scheme, there is no provisions for payment of Family Pension, the petitioner's claim is without any merits.



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WEB COPY 7. This Writ Petition is dismissed. No costs.

10.04.2024

Index : Yes
Speaking Order: Yes
Neutral Citation : No

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To

1. The Superintendent,
Central Prison,
Salem.
2. The Principal Accountant General (A&E),
Tamil Nadu,
Chennai – 600 018.



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D.BHARATHA CHAKRAVARTHY, J.

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