



WEB COPY



W.P.No.4185 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.4185 of 2024

N.Sushma

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Petitioner

Vs

1. State of Tamil Nadu,
Represented by its Additional Chief Secretary,
Finance (Pension) Department,
Secretariat, Chennai – 600 035.

2. Additional Secretary to Government/
Director of Pension,
Perasiriyar K.Anbazzhagan Maaligai,
Nandanam, Chennai – 600 035.

3. Commissioner for Welfare of the Differently abled/
State Commission for Persons with Disabilities,
Lady Willington College, Chennai – 600 005.

4. Accountant General (A & E),
Office of Principal Accountant General (a & E),
Anna Salai, Chennai – 600 018.

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Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent to consider the proposal of the third respondent dated 19.04.2023 along with the representation of the petitioner dated 09.01.2023 which sought for amending the provision of Tamil Nadu



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Pension Rules in R.O.C.No.298/LO/2023 dated 19.04.2023 and consequently extend the family pension available for disabled children to petitioner.

For Petitioner	: Mr.A.B.Rajasekaran
For R1 & R2	: Mr.U.M.Ravichandran Special Government Pleader

ORDER

This Writ Petition has been filed for a direction directing the first respondent to consider the proposal of the third respondent dated 19.04.2023 and consider the representation of the petitioner dated 09.01.2023 seeking for amending the provision of Tamil Nadu Pension Rules in ROC No.298/LO/2023, dated 19.04.2023.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents 1 and 2 and perused the materials available on record.

3. The petitioner is suffered from permanent Locomotor Disability of more than 70%. She is a married person. Her mother, viz., Late V.Alamelu, had worked as B.T.Assistant Special Grade and retired from service on 31.10.1995. Her mother was receiving pension from the



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date of her retirement. Thereafter, she died on 07.04.2022, leaving behind the petitioner and four other legal heirs. Though the petitioner got married, she had no other source of income or employment on account of her disability. During the life time of her mother, she only had taken care of the petitioner. Therefore, the petitioner sought for family pension on the demise of her mother.

4. Rule 49(6) of the Tamil Nadu Pension Rules, 1978, says that the daughter shall not be eligible for family pension from the date oo which she got married. Therefore, the request of the petitioner was rejected by the Accountant General by a communication dated 25.11.2022. Once again, the petitioner made a representation seeking family pension after amendment of the provision of the Tamil Nadu Pension Rules.

5. The learned counsel appearing for the petitioner would submit that in this regard, the third respondent had sent a proposal to the Additional Chief Secretary to the Government, Finance (Pension) Department, date 19.04.2023, thereby requested to examine the



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feasibility of amending Rule 49(6) of the Tamil Nadu Pension Rules, 1978 and consider the representation submitted by the petitioner.

6. By way of representation, the Rule cannot be amended.

The provisions of the pension rules cannot be extended to the benefit of a family of a disabled married daughters. The petitioner had to challenge the provisions in the manner known to law. The said direction sought for in this writ petition cannot be granted. Thus, the writ petition is devoid of merits and is liable to be dismissed.

7. Accordingly, this Writ Petition stands dismissed. If any amendment is brought forth to the pension rules, the petitioner is at liberty to seek family pension in the manner known to law. No costs.

21.02.2024

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

Neutral Citation : Yes/No

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To
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1. The Additional Chief Secretary,
Finance (Pension) Department,
Secretariat, Chennai – 600 035.
2. The Additional Secretary to Government/
Director of Pension,
Perasiriyar K.Anbzhagan Maaligai,
Nandanam, Chennai – 600 035.
3. The Commissioner for Welfare of the Differently abled/
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G.K.ILANTHIRAIYAN. J,

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