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W.P.No.12284 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2024

CORAM:

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

W.P.No.12284 of 2024

K.Najumunisa

... Petitioner

Vs

1. The Chairman,
Chennai Port Trust,
Chennai – 600 001.
2. The FA & CAO,
Finance Department,
Chennai Port Trust,
Chennai – 600 001.
3. The Chief Engineer,
Civil Engineering Department,
Chennai Port Trust,
Chennai – 600 001.
4. The Secretary,
General Administration Department,
Chennai Port Trust,
Chennai – 600 001.

.... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to Extension of the family pension to petitioner based on the proceedings AO (Pension) / Extn. of Family Pension / 2016/ F dated 04.10.2016 in pursuant to petitioner representation dated 23.03.2024.



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For Petitioner : Mr.P.Muthamizhselvakumar
For R1 to R4 : Notice served, No appearance

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ORDER

This writ petition has been filed for direction directing the respondents to extend the family pension to petitioner based on the proceedings AO (Pension) / Extn. of Family Pension / 2016/ F dated 4.10.2016 in pursuant to petitioner representation dated 23.03.2024.

2. Heard the learned counsel for the petitioner and perused the materials available on record. Though notice served on the respondents and the name has been printed in the cause list, today, no one appeared before this Court in person or through pleader.

3. The petitioner's mother was employed as women Mazdoor in the respondent office and she had retired from service on 31.05.2013. She was drawing pension from the respondents. While being so, she died on 29.12.2014 leaving behind the petitioner as a sole legal heir. Though the petitioner got married, her husband died on 29.01.2010 and she is living with her mother. Therefore, she is a widowed daughter. She is a sole dependent on her deceased mother. The widowed daughter is also coming under the category of family.



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There are two categories of family. The first category is widow or widower up to the death or remarriage whichever is earlier and son/daughter including widowed daughter up to the date of his/her marriage or remarriage whichever is earliest in the second category. Therefore, the petitioner is eligible for family pension and approached the authority and submitted an application for extension of family pension to the petitioner.

4. By the communication dated 04.10.2016, the petitioner was informed that certain clarifications were sought for from the Ministry regarding the basis for processing the claim of the petitioner for family pension. The queries have also been raised by other Ports in this regard. Hence the Ministry's direction is being sought to issue uniform guidelines to be followed by all Major Ports in this regard.

5. Considering the above facts and circumstances of the case, the respondents are directed to extend the benefit of family pension to the petitioner, who is being a widowed daughter of the pensioner one Sabira Bee, who died on 29.12.2014, within a period of four weeks from the date of receipt of a copy of this order.



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6. With the above directions, this writ petition is disposed of. There shall be no order as to costs.

01.07.2024

Internet: Yes

Index : Yes/No

Neutral Citation : Yes/No

Speaking/Non Speaking order
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- To
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Chennai – 600 001.
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G.K.ILANTHIRAIYAN. J.

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