



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 22.07.2024

CORAM

THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.18922 of 2024
& WMP.No.20783 of 2024

Mrs.Sivagami

... Petitioner

Vs

- 1 The State Of Tamil Nadu
Rep. By Secretary,
School Education Department,
Fort St. George, Chennai-600 009.
- 2 Directorate Of Pension,
Perasiriyar K.Anbzhagan Maaligai,
3rd Floor, 571, Anna Salai,
Nandanam, Chennai-600 035.
- 3 The Joint Director Of School Education,
(Higher Secondary) College Road,
Nungambakkam, Chennai-600 034.
- 4 Chief Educational Officer, Namakkal
Government Higher Secondary
School South Campus, Mohanur Road,
Namakkal Ho, Namakkal-637 001.
- 5 District Educational Officer
Namakkal Government Higher
Secondary School Campus,
Mohanur Road, Namakkal Ho,



W.P.No.18922 of 2024

Namakkal-637 001.

6 K.Ramachandran

.... Respondents

WEB COPY

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing respondents 1 – 5 to cancel the nomination form executed by the 6th respondent in favor of Ms.Soundaram and file forms for nomination in my favor to receive the pension and terminal benefits of the 6th respondent.

For Petitioner : Mr.D.Ferdinand

For Respondents : Mr.M.Rajendiran (R1 to R5)
Additional Government Pleader

ORDER

Mr.M.Rajendiran, learned Additional Government Pleader accepts notice for R1 to R5, being officials of the Education Department and is armed with instructions to enable a final disposal of this Writ Petition, even at the stage of admission. No notice is thought necessary to R6, in light of the order proposed to be passed taking into account his interests as well.

2. The petitioner is aged 83 years old. She claims to have married the 6th respondent on 02.06.1963 at Ariyakkoundampatti, Namagiripettai, Namakkal District. According to her, the marriage between herself and R6 subsists till date, though, on account of some differences, the petitioner and R6 live apart.



W.P.No.18922 of 2024

3. The petitioner had moved a petition under Section 125 of the Code of Criminal Procedure (Cr.P.C.) seeking maintenance that had been granted by the Family Court, Salem. Since the petitioner felt that the amount was too nominal, she had preferred a Criminal Revision Petition in CrI.R.C.No.1385 of 2023, wherein, this Court, vide order dated 24.04.2024, enhanced the maintenance amount from Rs.2,000/- to Rs.15,000/-. According to her, R6 has not complied with those orders thus far. However, that is not the subject matter of this Writ Petition.

4. R6, according to the petitioner, has nominated one Soundaram to receive pension and other benefits that accrue to R6. According to her, the said Soundaram is a domestic in the house where R6 resides and her nomination for pensionary benefits is contrary to Rule 48 and other Rules of the Tamil Nadu Pension Rules, 1978 (in short 'Rules').

5. The petitioner has thus issued a legal notice to the official respondents, being R1 to R5 on 12.06.2024, wherein, she invokes the Rules and calls upon the official respondents to file forms for nomination in her favour under threat of legal action.

6. The Court believes that initiation of legal proceedings as against the official respondents is misconceived as it is not for the official respondents to fill and file necessary forms for pension and it is the duty of R6 to do so.



W.P.No.18922 of 2024

Hence, and at best, the petitioner can only draw attention to the illegality, if any, in the pension forms filed by R6 and call for due action in that regard by the official respondents. It is then for the officials to take note of the same and call upon R6 to nominate a person in terms of the Rules. Hence, let the petitioner make a representation forthwith, such that the respondents will take necessary action in a timely fashion.

7. Mandamus is issued to R2, being the Director of Pensions to look into the representation of the petitioner, once filed, and dispose the same in accordance with law and all applicable Rules and Regulations, after hearing the petitioner, R6 and any others deemed necessary in the matter, within a period of two (2) weeks from date of receipt of such representation.

8. This Writ Petition is disposed in the aforesaid terms. No costs. Connected Miscellaneous Petition is closed.

22.07.2024

Index : Yes / No
Speaking order
Neutral citations: Yes
sl

To



W.P.No.18922 of 2024

- 1 The State Of Tamil Nadu
Rep. By Secretary,
School Education Department,
Fort St. George, Chennai-600 009.
- 2 Directorate Of Pension,
Perasiriyar K.Anbazhagan Maaligai,
3rd Floor, 571, Anna Salai,
Nandanam, Chennai-600 035.
- 3 The Joint Director Of School Education,
(Higher Secondary) College Road,
Nungambakkam, Chennai-600 034.
- 4 Chief Educational Officer, Namakkal
Government Higher Secondary
School South Campus, Mohanur Road,
Namakkal Ho, Namakkal-637 001.
- 5 District Educational Officer
Namakkal Government Higher
Secondary School Campus,
Mohanur Road, Namakkal Ho,
Namakkal-637 001.



WEB COPY



W.P.No.18922 of 2024

Dr.ANITA SUMANTH,J.

S1

W.P.No.18922 of 2024
& WMP.No.20783 of 2024

22.07.2024