



W.P.No.21690 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.21690 of 2024

V.M.Venkatachalapathi

... Petitioner

Vs

1. The Chairman,
TANGEDCO, Chennai.

2. The Internal Audi (Pension),
TANGEDCO,
No. 144, Anna Salai,
Chennai – 600 002.

3. The Superintending Engineer,
Vellore Electricity Distribution Circle,
TANGEDCO, Gandhi Nagar,
Vellore – 632 006.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to process the application for family pension dated 29.05.2023 without insisting for the Guardianship Certificate and consequently direct the respondents herein to forthwith disburse the entire arrears of family pension, and regularly pay the monthly family pension to the intellectually challenged Ms. M.Sumathi.



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For Petitioner : Mr. G.Vijayakumar

For Respondents : Mr. K.Rajkumar,
Standing Counsel

ORDER

With the consent of both sides, this Writ Petition has been taken up for disposal at the admission stage itself.

2. This Writ Petition has been filed seeking a direction to the respondents to process the application dated 29.05.2023 submitted by the petitioner seeking family pension without insisting on the Guardianship Certificate.

3. The petitioner's father, who had served as Foreman Grade-I under the respondents and retired from service. He was paid a pension vide PPO No. 13267 till the year 2012. While that being so, he died on 11.06.2012, and thereafter, the petitioner's mother was ordered to receive a family pension. Unfortunately, she also passed away on 30.10.2022, leaving behind the petitioner, another son, and three daughters as legal heirs. Among



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the three daughters, one daughter, namely M.Sumathi, is an unmarried woman who is also an intellectually disabled person. She was under the care of her parents. The Medical Board of Vellore District issued a Form VII Certificate on 14.02.2023, certifying that the said M.Sumathi has 60% Intellectual disability (Moderate) and is unable to lead an independent life, being always dependent on others.

3.1. Therefore, the said Sumathi is also entitled to a family pension after her mother's demise. Hence, the petitioner filed a petition before the Mental Health Review Board, Vellore, Thirupattur, and Ranipet Districts to appoint him as the guardian of his intellectually disabled sister and also to receive the family pension. The said Board observed that his sister was found to be intellectually disabled and in need of a guardian for assistance and supervision to meet her day-to-day needs. Therefore, the petitioner submitted the said representation to the third respondent for the sanction of a family pension in favor of his sister. However, the third respondent, by communication dated 25.03.2024, insisted that the petitioner submit a guardianship certificate issued by a Court of law.



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4. On a perusal of the records, it is revealed that the Pension Rules provide for pension for disabled persons. Therefore, the petitioner's sister, who is an intellectually disabled person with a disability of 60%, is entitled to receive a family pension upon the demise of her father.

5. In view of the above, the respondents are directed to consider the application dated 29.05.2023 submitted by the petitioner and pass orders granting family pension in favor of his sister, viz., M.Sumathi, and disburse the arrears of family pension within a period of four weeks from the date of receipt of a copy of this order.

6. With the above directions, this Writ Petition is disposed of. No costs.

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Index:Yes/No
Neutral Citation/Yes/No
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To

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