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Writ Petition No.22442 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.08.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.22442 of 2024

G.Santhoshkumar
S/o.Govindarajulu
represented by his brother namely
G.Naveenkumar

... Petitioner

Vs.

1. The State of Tamilnadu,
Rep. by its Secretary to Government,
Finance (Pension) Department,
Fort St.George, Chennai – 600 009.
2. The Principal Accountant General,
(Accounts & Entitlement)
No.361, Anna Salai, Chennai – 600 018.
3. The Head Master,
Government Higher Secondary School,
Royakottai, Krishnagiri District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the second respondent to sanction special pension to the petitioner based on the recommendation of the third respondent in his proceeding Na.Ka. /A1/2023 dated July, 2023 with effect from date of expiry of petitioner's mother i.e., on 09.10.2022.



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For Petitioner : Mr.D.Rameshkumar

For Respondents : Mr. P.Balathandayutham
Special Government Pleader [R1]
Mrs.S.Brindha [R2]
Mrs. Mythreya Chandru
Special Government Pleader [R3]

ORDER

This writ petition has been filed seeking for issuance of a writ of mandamus directing the second respondent to sanction special pension to the petitioner based on the recommendation made by the third respondent, within the time frame stipulated by this Court.

2. Heard Mr.D.Rameshkumar, learned counsel for petitioner, Mr. P.Balathandayutham, learned Special Government Pleader appearing for first respondent, Mrs.S.Brindha, learned counsel appearing for second respondent and Mrs.Mythreya Chandru, learned Special Government Pleader appearing for third respondent.

3. The petitioner is represented through his brother, who is a guardian of the petitioner on the ground that he is facing mental retardation and is a differently abled person. The case of the petitioner is that his father retired as a Craft Instructor in the third respondent school



in the year 2006. He was receiving the service pension till his demise on 12.04.2020. He had married one Kanagammal and she pre-deceased him.

Thereafter, he married the mother of the petitioner and through her, the petitioner and his brother were born. The mother of the petitioner was receiving the family pension till her demise on 09.10.2022.

4. The further case of the petitioner is that he is mentally retarded and differently abled person facing 80% disability. The Regional Medical Board, Government Head Quarters Hospital, Krishnagiri, has also assessed 65% mental retardation for the petitioner while issuing the disability certificate dated 22.06.2023. Therefore, the petitioner is seeking for sanctioning special pension in line with G.O.Ms.No.211, Finance Department, dated 27.05.2009.

5. The petitioner submitted a representation in this regard and on receipt of the same, the third respondent had also recommended for payment of special pension to the petitioner through his letter Na.Ka.No..../A1/2023, dated July, 2023. The grievance of the petitioner is that in spite of the recommendation made by the third respondent, there has been absolutely no response on the side of other respondents.



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Therefore, the present writ petition has been filed seeking for appropriate directions.

6. Taking into consideration the facts and circumstances of the case and the recommendation made by the third respondent, there shall be direction to the second respondent to deal with the representation submitted by the petitioner, who is seeking for sanction of special pension. A decision shall be taken within a period of eight (8) weeks from the date of receipt of a copy of this order.

7. The petitioner is directed to submit a fresh representation to the second respondent along with all relevant documents and also a copy of this order.

This Writ Petition is disposed of with the above direction. No costs.

08.08.2024

Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order
gm

To



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The State of Tamil Nadu
Finance (Pension) Department
Fort St.George, Chennai – 600 009
2. The Principal Accountant General
(Accounts & Entitlement)
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N.ANAND VENKATESH, J



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