



WA.No.3326 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2024

CORAM:

**THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR
AND
THE HONOURABLE MR JUSTICE K.KUMARESH BABU**

**W.A.No.3326 of 2023
and CMP.No.27107 of 2023**

B.Kamalakumari

... Appellant

vs.

1.The Principal Controller of Communication Accounts,
O/o. Principal Controller of Communication Account,
Ministry of Communication and Information Technology,
Department of Telecommunication, Tamil Nadu Circle,
60, Ethiraj Salai, Chennai-600 008.

2.The AGM (HR&A) APIO,
O/o. Chief General Manager,
Chennai Telephones BSNL.
78, Purasawalkam High Road,
Chennai-600 010.

.. Respondents

PRAYER: Writ Appeal filed under under Clause 15 of the Letters Patent against
the order dated 25.08.2022 made in W.P.No.39568 of 2015

For Appellant : Mr.T,Muthukrishnan

For Respondents : Mr.S.Janarthanam, Senior Panel Counsel for R1



WA.No.3326 of 2023

WEB COPY

JUDGMENT

[Order of the Court was made by *D.KRISHNAKUMAR, J.*]

This intra court appeal has been filed challenging the dismissal of the writ petition, which has been filed for a direction to the respondents to grant family pension to the appellant/writ petitioner.

2. The learned counsel for the appellant / writ petitioner would contend that the Writ Court has failed to appreciate the case of the appellant that he is entitled for family pension on the death of her father, who was an employee of the Department of Telecommunication and even as the counter affidavit filed by the first respondent, she is ready and willing to receive the minimum rate of pension of Rs.3,500/- per month, if this Court directs. It is further contended that without taking into consideration the aforesaid fact, the Writ Court has rejected the claim of the appellant and therefore, prays for interference.

3. The learned standing counsel for the first respondent has drawn the attention of this Court to para 10 of the counter affidavit filed by the first respondent wherein it has been stated that Senior AO, Chennai Telephones vide



WA.No.3326 of 2023

letter dated 13.01.2016 has intimidated that the disburser's half of PPO does not throw any light on the details by which the personal file and service book can be traced and they could not retrieve any information regarding the service particulars and retirement particulars with reference to the disburser's half of PPO forwarded by them as it was in torn condition. It is also admitted by the first respondent in the counter affidavit that the petitioner is entitled for family pension at the rate of Rs.3500/- per month.

4. In the light of the above stand taken by the first respondent in the counter affidavit, we have no hesitation to accept the contention of the appellant /writ petitioner and the appellant is entitled for family pension @ Rs.3,500/- per month.

5. Accordingly, the order of the Writ Court dated 25.08.2022 made in W.P.No.39568 of 2015 is set aside. The respondents are directed to pass appropriate orders for payment of family pension to the petitioner @ Rs.3,500/-

D.KRISHNAKUMAR, J.
and
K.KUMARESH BABU, J.



WEB COPY

WA.No.3326 of 2023

Jvm
per month within a period of twelve weeks from the date of receipt of a copy of this order. It is needless to say that the appellant shall produce all the available documents with her before the authorities concerned and the respondent authorities are also at liberty to seek any clarification from the appellant, if required.

6. This Writ Appeals stands allowed with the above directions. No costs.
Consequently, connected miscellaneous petition is closed.

(D.K.K., J.) (K.B., J.)
08.07.2024

Intex : Yes/No
Internet : Yes/No
Jvm

W.A.No.3326 of 2023