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W.P.No.25637 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P. No.25637 of 2021

S.Kalaiselvi

... Petitioner

Vs.

1. The Principal Accountant General,
(Accountant and Entitlements) Tamil Nadu,
No.361, Anna Salai,
Cehnnai - 600 018.

2. The Pension Pay Officer,
Amma Complex, Ground Floor, Veterinary Hospital Campus,
No.571, Anna Salai,
Nandanam, Chennai - 600 035.

3. The District Treasury Officer,
Master Collectrate Campus,
Villupuram - 605 602.

4. The Sub Treasury Kallakurichi,
45/B, Kaccheri Road,
Kallakurichi - 606 202.

5. The Block Educational Officer,
Mugaiyur at Manampoondi,
Villupuram District - 605 759.
(R5 - impleaded as per order dated
08.02.2024 in W.M.P.No.438 of 2022)

... Respondents



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Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the Respondents to grant her father's family pension including arrears whatsoever from 02.03.2009 as per G.O.Ms.No.29, Finance (Pension) Department, dated 31.01.2013.

For Petitioner : Mr.T.V.Suresh Kumar

For Respondents

For R1 : Mr.V.Vijay shankar

For R2 to R4 : Mr.S.Arumugam,
Government Advocate

ORDER

The petitioner who claims herself to be the elder daughter of the deceased Government servant Shanmugam @ Shanmugam Udaiyar, has filed this Writ Petition, seeking a Writ of Mandamus to issue direction to the Respondents to grant her father's family pension including arrears to her from 02.03.2009 as per G.O.Ms.No.29, Finance (Pension) Department, dated 31.01.2013.

2. Heard Mr.T.V.Suresh Kumar, learned counsel for the petitioner and Mr.V.Vijay shankar, learned counsel for the 1st Respondent and



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Mr.S.Arumugam, learned Government Advocate appearing for the Respondents 2 to 4.

3. Mr.T.V.Suresh Kumar, learned counsel for the petitioner submitted that the petitioner is a widowed daughter of the deceased Government servant and she was depending on her father and her deceased mother. However, the family pension is paid to the second daughter of the deceased Government servant who is also a widow.

4. Mr.V.Vijay shankar, learned counsel for the 1st Respondent submitted that once a rival claim is made between the parties, without resolving it, the family pension cannot be disbursed and on that score only, it has been stopped.

5. Mr.S.Arumugam, learned Government Advocate appearing for the Respondents 2 to 4 submitted that subsequent to the father's demise only, the petitioner's husband had died and she became a widow and that she is not entitled to family pension.



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WEB COPY 6. On the other hand, the learned counsel for the petitioner submitted that the second daughter's husband alone had died subsequent to the death of the father and hence the second daughter is not eligible to get the family pension.

7. The claims made by the petitioner and her sister appears to be the factual matrix which has to be enquired by the 5th respondent and the 5th Respondent has to recommend in what way the family pension can be disbursed and on that recommendation, the 1st respondent can disburse the same. It is also submitted that presently the petitioner is working as an Anganwadi worker on consolidated pay of Rs.2,000/- per month. Even though the sister of the petitioner is an interested party, she has not been impleaded as a party to the proceedings. Hence, it is up to the petitioner to approach the Civil Court for seeking appropriate remedy by impleading the necessary and interested parties and by proving the facts in respect of her alleged entitlement.



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8. With the above observation, this Writ Petition is disposed of. No

costs.

22.02.2024

Index: Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

vum

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