



W.P.No.26478 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.Nos.26478 of 2022 and
W.M.P.No.25545 of 2022

W.P.No.26478 of 2022

C.Govindan

-Vs-

1.The Accountant General of Tamilnadu,
Accounts & Entitlement Department,
Tamilnadu Atuhorisation of Revision of
Pension/Gratuity/Commutation,
No.361, Anna Salai,
Chennai-600 018.

2.The District Educational Officer,
Dharmapuri District,
Dharmapuri.

3.The Head Master,
Government Higher Secondary School,
Mukalnayaickanpatti,
Mittanoolahalli Post,
Dharmapuri District.

... Respondents



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Prayer:- Writ Petition filed under Article 226 of Constitution of India praying

for the issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of rejection dated 07.10.2021 in PPO.No.F0925241 passed by the 1st Respondent and to quash the same, consequently direct the first respondent to disburse the Family Pension and Gratuity and other eligible Terminal Benefits forthwith.

For Petitioner : Mr.C.Prabakaran
For Respondent 1 : Mr.S.Balaji
Accountant General
For Respondents 2 & 3 : Dr.T.Seenivasan,
Special Government Pleader

ORDER

This writ petition has been filed challenging the order passed by the 1st respondent dated 07.10.2021 thereby rejected the claim made by the petitioner to disburse the family pension and gratuity and other eligible terminal benefits.

2. The petitioner got married one, G.Janaki who had worked as Sanitary worker and died in harness on 12.12.2020. This petitioner is the husband of the deceased G.Janaki. The petitioner submitted a representation before the 1st respondent seeking all terminal benefits including pension benefits. The same was rejected on the ground that the names of G.Vigneshkumar (son),



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G.Meiyazhagan (son) are not available in the legal heirs certificate. The said

G.Vigneshkumar and G.Meiyazhagan were included in the service register of the deceased G.Janaki. Further, the deceased G.Janaki did not avail Maternity Leave during the year 2002 and 2005. On verification, both are adopted children of the deceased G.Janaki. They were not born to her. The petitioner got remarried another lady namely Theerthammal with the consent of his first wife. Infact, she added the sons born through 2nd wife as her sons in the service register.

3. On perusal of the counter affidavit filed by the first respondent revealed that in the service register of deceased G.Janaki, she had mentioned two persons as her sons namely G.Vigneshkumar and G.Meiyazhagan. She had filed nominations dated 15.11.1999 in the name of her husband i.e., C.Govindan to receive DCRG and GPF in the event of her death, which were recorded in the service register. Thereafter, she had revised the nomination on 20.01.2017, by including the two names as the alternate nominee to receive DCRG, namely the said two persons as nominee. However, on verification they were not born to her. From the year 2002 and 2005 she did not even apply for maternity leave. On verification of records, they were not adopted by her at any point of time. Any registration certificate for adoption was not produced.



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Therefore, they won't come under the family members of the deceased G.Janaki. Hence, the petitioner is not entitled for any family pension and gratuity.

4. Hence, this court cannot find any infirmity or illegality in the order dated 07.10.2021 in PPO.No.F0925241 passed by the 1st Respondent. Hence, this writ petition is devoid of merits and liable to be dismissed. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

29.01.2024

Internet : Yes
Index : Yes/No
Speaking order/Non-speaking order
gvn



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- To
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