



W.P.No.29170 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2024

CORAM :

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM  
AND  
THE HONOURABLE MR. JUSTICE V.SIVAGNANAM**

**W.P.No.29170 of 2024**

A. Pushpalatha

... Petitioner

Vs

1. The Chairman,  
Bar Council of Tamil Nadu and Puducherry,  
Bar Council Buildings,  
NSC Bose Road,  
Chennai 600 104.
2. The Chairman,  
Tamil Nadu Advocates Welfare Fund Trustee Committee,  
Bar Council Buildings,  
High Court Campus,  
Chennai - 600 104.
3. The Secretary,  
Tamil Nadu Advocates' Welfare Fund Committee,  
Bar Council Building,  
High Court Campus,  
Chennai 600 104.

.... Respondents



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**PRAYER:** This Writ Petition filed under Article 226 of Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the Resolution No.438/2023 dated 13.10.2023 passed by the 2nd respondent, quash the same and consequently direct the 2nd respondent to disburse the Welfare Fund amount to the petitioner on account of the death of petitioner's husband viz., G.A.Athiaman, Advocate, Enrollment No. MS.944/2017.

For Petitioner : Mrs. S.Ganesh

For Respondents : Mr. C.K. Chandrasekar,  
S.C. for B.C.T.

### **ORDER**

(Order of the Court is made by *S.M.SUBRAMANIAM, J.*)

The writ on hand has been instituted to set-aside the Resolution No.438 of 2023 dated 13.10.2023 passed by the Tamil Nadu Advocates Welfare Fund Trustee Committee of the Bar Council of Tamil Nadu and Puducherry.

2. The husband of the petitioner enrolled as an Advocate in the Bar Council of Tamil Nadu and Puducherry on 23.06.2017 (Enrollment No.Ms.944/2017). On 09.03.2018, the Bar Council of India issued a certificate of practice after ascertaining the qualification of the deceased husband of the petitioner. Thus, the deceased husband of the petitioner is



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eligible to become a member of the Tamil Nadu Advocates Welfare Fund Trustee Committee. The husband of the petitioner late Mr.G.A.Athiaman submitted an application to the 2nd respondent seeking membership in the Tamil Nadu Advocates Welfare Fund Trustee Committee on 24.08.2020 and he paid necessary subscription to become a member of the Welfare Fund Scheme. Unfortunately during the pendency of the said application, the husband of the petitioner died during Covid-19 Pandemic duration on 04.12.2020. Subsequently, the petitioner submitted an application to the first respondent seeking the benefit under the Tamil Nadu Advocates Welfare Fund Committee Scheme on 08.04.2021. The said application was kept pending by the first respondent for about 2 years and 6 months and thereafter, the impugned resolution was passed stating that the deceased husband of the petitioner was not admitted as a member of the Welfare Fund Trustee Scheme and thus, the deceased husband of the petitioner is ineligible. The reason for rejection is that the application submitted by the deceased husband of the petitioner was not attested by any of the Bar Association.

3. We found the reasons stated by the respondents in the impugned



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order is hyper technical since the deceased husband of the petitioner is otherwise eligible to become a member of the Welfare Fund Scheme and paid all necessary subscription charges along with the application on 24.08.2020 itself. During the pendency of the application, he died and therefore, he is eligible to avail the benefits. The administrative delay caused by the respondents should not affect the welfare benefits, for which the family of the deceased advocates are entitled. The Tamil Nadu Advocates Welfare Fund Scheme is a Welfare Scheme and therefore, it is to be interpreted pragmatically so as to extend the benefits to the person, who is otherwise eligible. The benefit need not be denied merely on certain technical grounds and considering the fact that the application was submitted by the deceased advocate on 24.08.2020 and he died during the pendency of the application before the respondents, we are inclined to consider the relief.

4. In view of the facts and circumstances, the Writ Petition is allowed and the impugned resolution passed by the 2nd respondent in resolution No.438/2023 dated 13.10.2023 is quashed and the respondents are directed to admit the deceased husband of the petitioner as a member of the Tamilnadu Advocates Welfare Fund Trustee Committee of Bar Council of



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Tamilnadu and Puducherry based on the original application and accordingly, settled the eligible benefits to the petitioner as per the death seniority. It is made clear that if the welfare fund benefits are already settled in favour of any of the legal heirs of the deceased advocate, who died after the death of the husband of the petitioner, then the benefits are directed to be settled to the petitioner within a period of two weeks from the date of receipt of a copy of this order. No costs.

[S.M.S., J.]

[V.S.G., J.]

23.10.2024

To

1. The Chairman,  
Bar Council of Tamil Nadu and Puducherry,  
Bar Council Buildings,  
NSC Bose Road,  
Chennai 600 104.
2. The Chairman,  
Tamil Nadu Advocates Welfare Fund Trustee Committee,  
Bar Council Buildings,  
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Chennai - 600 104.

**S.M.SUBRAMANIAM, J.**  
**AND**  
**V.SIVAGNANAM, J.**



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mrp

3. The Secretary,  
Tamil Nadu Advocates' Welfare Fund Committee,  
Bar Council Building,  
High Court Campus,  
Chennai 600 104.

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**23.10.2024**