



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.31361 of 2024
and W.M.P.No.34037 of 2024

Mrs.K.Chellathai @ Challathai Ammal

... Petitioner

Vs.

- 1.The Principal Secretary & Commissioner of Treasuries and Accounts,
Commissioner Office of Treasuries and Accounts
Combined Finance Department,
Nandanam, Chennai – 600 035.
- 2.The Joint Director of Pension
Directorate of Pension,
Perasiriyar K.Anbalagan Maaligai,
3rd Floor, No.571, Anna Salai,
Nandanam, Chennai – 600 035.
- 3.The District Collector,
Office of the District Collector,
Collectorate Campus,
Thoothukudi City and District.
- 4.The District Treasury Officer,
District Treasury Office,
Collectorate Campus,
Thoothukudi City and District – 628 101.



5.The Asst Treasury Officer,
Sub Treasury Office,
Kovil Patti & Town,
Thoothukudi District,
Pin Code - 628 501.

6.The District Registrar,
Office of the District Registrar,
Registration Department,
Palayamkottai Town,
Tirunelveli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 4th and 5th respondents to sanction and pay / disburse the arrears of additional family pension at the rate of 20 percent on family pension for the period from 10.12.2018 to 09.12.2022 (for the age of 80 to 84) and further to sanction and pay / disburse the arrears of additional family pension at the rate of 30 percent on family pension from the period of 10.12.2022 to till this month of September - 2024 (for the age of 85 onwards) and to pay additional family pension at the rate of 30 percent on family pension for the future months also as per the G.O.Ms. No.42, dated 07.02.2011 of Finance (Pension) Department of Govt of Tamil Nadu.

For Petitioners : Mr.K.Senthil Kumar

For Respondents : Mr.K.Tamilvendan
Government Advocate



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ORDER

This writ petition has been filed for issue of writ of mandamus directing the 4th and 5th respondents to sanction and pay / disburse arrears of additional family pension at the rate of 20% on the family pension for the period from 10.12.2018 to 09.12.2022 and to further sanction additional family pension at the rate of 30% on the family pension for the period from 10.12.2022 to till date and to continue to pay the additional family pension at the enhanced rate as per G.O.Ms.No.42, dated 07.02.2011.

2.Heard Mr.K.Senthil Kumar, learned counsel appearing on behalf of the petitioner and Mr.K.Tamilvendan, learned Government Advocate appearing on behalf of the respondents.

3.The case of the petitioner is that her husband was a State Government employee who was working in the Registration Department. He retired from service in the year 1988. He was receiving monthly pension till his expiry on 05.08.2008. After his demise, the petitioner was getting the family pension.



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4.The petitioner is now aged about 85 years. The grievance of the petitioner is that G.O.Ms.No.42, dated 07.02.2011 was issued by the Government, whereby, the family pensioner is entitled to 20% of additional family pension on attaining the age of 80 years for the age 80 to 84 and thereafter, the petitioner is entitled for 30% for additional family pension after attaining the age of 85. The petitioner is seeking for the enhanced rate of 20% for a period of 10.12.2018 to 09.12.2022 and the enhanced pension of 30% for the period from 10.12.2022 till date and to continue to pay at this rate every month. The representation made by the petitioner in this regard did not evoke any response. It is under these circumstances, the present writ petition has been filed before this Court.

5.Taking into consideration the facts and circumstances of the case and the materials placed before this Court, there shall be a direction to the petitioner to submit a fresh representation to the 4th and 5th respondents along with all the relevant documents and also a copy of this order. The 4th and 5th respondents shall pass appropriate orders, within a period of six weeks from the date of



receipt of the fresh representation from the petitioner in line with
G.O.Ms.No.42, dated 07.02.2011.

6.This writ petition is disposed of with the above direction. No Costs.

Consequently, connected miscellaneous petition is closed.

23.10.2024

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
ssr

To

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Commissioner Office of Treasuries and Accounts
Combined Finance Department,
Nandanam, Chennai – 600 035.

2.The Joint Director of Pension
Directorate of Pension,
Perasiriyar K.Anbalagan Maaligai,
3rd Floor, No.571, Anna Salai,
Nandanam, Chennai – 600 035.



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N. ANAND VENKATESH, J.

ssr

3. The District Collector,
Office of the District Collector,
Collectorate Campus,
Thoothukudi City and District.
4. The District Treasury Officer,
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