



WP.(MD).No.1439 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 08.02.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.1439 of 2024

J.Lakshmiammal

... Petitioner

Vs.

1.The Chief Educational Officer,
Dindigul District.

2.The Headmaster,
Government Higher Secondary School,
Sithayankottai,
Dindigul District.

3.The Pay and Account Officer,
O/o The Accountant General (A& E),
Chennai.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to grant family pension to the petitioner, by disposing her application dated 13.07.2023 relates to the family pension due to the death of her son, late J.Jegatheesan, in light of Rule 49 of Tamil Nadu Pension Rules within a time frame to be fixed by this Court.



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For Petitioner : Mr.R.Suriya Narayanan
For Respondents 1 & 2 : Mr.N.Ramesh Arumugam
Government Advocate
For 3rd Respondent : Mrs.S.Mahalakshmi
Standing counsel

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus seeking to direct the respondents 1 and 2 to grant family pension to the petitioner, by disposing her application dated 13.07.2023 relates to the family pension due to the death of her son, late J.Jegatheesan, in light of Rule 49 of Tamil Nadu Pension Rules.

2.Heard Mr.R.Suriya Narayanan, learned counsel appearing for the petitioner, Mr.N.Ramesh Arumugam, learned Government Advocate appearing for the respondents 1 and 2, Mr.S.Mahalakshmi, learned Standing Counsel for the third respondent and perused the entire materials available on record.

3.The petitioner's son namely J.Jegatheesan worked as a Headmaster in the second respondent School. While in service, he died on 05.02.2005. He was survived by his wife Sheela Jegatheesan and subsequently, the said Sheela Jegatheesan



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received family pension till her demise on 17.04.2019. The petitioner is one of the legal heirs of the deceased Jegatheesan along with his widow son Kandhasamy and daughter J.Vilasini. The petitioner had been fully dependant on her deceased son during his lifetime and after his demise, the petitioner is being supported by her daughter-in-law Sheela from the family pension received by her. As the legal heir and mother of the deceased Jegatheesan of age 92 years having no income, the petitioner is expecting family pension. So she made a representation dated 13.07.2023 with all required documents on the basis of G.O.(Ms)No.325 of Finance (Pay Cell) Department dated 22.11.2011. However, the same has not been disposed of by the second respondent. On the other hand, the third respondent made a communication dated 22.12.2023 to the first respondent vide a letter dated 29.12.2023 and the said communication was based on G.O.(Ms)No.325 dated 22.11.2011 which mandated that the family pension is applicable only to unmarried, widow, divorced daughter. Since the said G.O. was applicable to unmarried, widow, divorced daughter, the order of rejection dated 29.12.2023 came to be passed. However, without challenging the said order, the petitioner has filed the Writ Petition seeking to direct the respondents to grant family pension by



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disposing of her application dated 13.07.2023, in the light of the Rule 49 of the Tamil Nadu Pension Rules, 1978.

4.The learned Standing Counsel, Mrs.S.Mahalakshmi for the third respondent submitted that the application has been made by the petitioner in the light of G.O.(Ms)No.325 dated 22.11.2011 and the same is not applicable to the facts and circumstances of the petitioner and it was rightly rejected. However, another G.O. (Ms)No.337 Finance (Pay Cell) Department dated 14.11.2017 would be applicable to mothers and hence, the petitioner's application cannot be disposed of in the light of G.O.(Ms)No.325.

5.Recording the aforesaid submission, the petitioner is hereby directed to submit a representation afresh seeking family pension along with the income certificate of the daughter of deceased Jegatheesan to the second respondent immediately within a period of one week from the date of receipt of copy of this order. Thereafter, the second respondent is directed to forward the same to the first respondent and the first respondent on receipt of the same, is directed to pass appropriate orders in accordance with law, in the line of G.O.(Ms)No.337 Finance (Pay Cell) Department dated 14.11.2017, within a period of 12 weeks thereafter.



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WEB COPY 6. Accordingly, this Writ Petition stands disposed of. There shall be no order as to costs.

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NCC : Yes / No
Index : Yes / No
Internet : Yes
Mrn

To

1. The Chief Educational Officer,
Dindigul District.
2. The Headmaster,
Government Higher Secondary School,
Sithayankottai,
Dindigul District.



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L.VICTORIA GOWRI, J.

Mrn

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