



W.P.(MD)No.3889 of 2022

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 12.08.2024

CORAM

**THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P.(MD)No.3889 of 2022**

P.Pushpavalli.

... Petitioner

VS

1.The District Adi Dravidar Welfare Officer,  
Collector's Office,  
Ramanathapuram District,  
Ramanathapuram.

2.The Special Tahsildar (Adi Dravidar Welfare),  
Collector's Office,  
Ramanathapuram District,  
Ramanathapuram.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, to direct the respondents 1 and 2 i.e., the District Adi Dravidar Welfare Officer, Ramanathapuram and the Special Tahsildar (Adi Dravidar Welfare), Ramanathapuram to take purposeful action for sending proposals to the Accountant General, Chennai for sanction of Family Pension to the petitioner.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.S.Shanmugavel

Additional Government Pleader

\* \* \* \* \*

**ORDER**

The instant writ petition has been filed by the wife of the deceased



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Government servant seeking a Mandamus to direct the respondents 1 and 2 to take purposeful action for sending proposals to the Accountant General, Chennai, for sanction of Family Pension to the petitioner.

2. The petitioner's husband, who was working as a Senior Draftman in the office of the Special Tahsildar (Adi Dravidar Welfare), Ramanathapuram, had attained superannuation on 21.03.2015. He was receiving pension from the Treasury Office, Ramanathapuram. He had passed away on 16.06.2017. In the pension payment order, the name of his wife has not been mentioned as nominee. As the name of the Writ Petitioner has not been mentioned as nominee by the deceased Government servant either in the Service Register or at the time of preparing pension payment order, though the Writ Petitioner is the only surviving legal heir of the deceased Government servant, the family pension has not been disbursed to her. The petitioner has sent a representation to the respondents 1 and 2 to forward the family pension proposal to the Accountant General Office. Since there is no response, the present Writ Petition has been filed.

3. According to the learned Additional Government Pleader appearing for the respondents herein, in the pension payment order, the name of the writ



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petitioner has not been mentioned as nominee. The learned Additional Government Pleader appearing for the respondents herein also relied upon a letter addressed by the former Government Servant, immediately after his retirement on 14.07.2015 to the effect that he has not been appointed any one as a nominee for his pension. Therefore, according to the learned Additional Government Pleader appearing for the respondents herein, since the deceased Government servant has not appointed the petitioner as a nominee, the question of payment of family pension would not arise.

4. I have considered the submissions made by the learned counsel on both sides and perused the materials on records.

5. The marital status of the Writ Petitioner with the deceased Government servant namely, S.Panneerselvam is not in dispute. The petitioner's husband, after retiring from service on 21.03.2015, had passed away on 16.06.2017 leaving behind the petitioner as the sole legal heir, as per the legal heir certificate issued by the Revenue Officials. The only reason for not forwarding the family pension proposal of the Writ Petitioner is that there was no nomination by her husband in the pension payment order.



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6. This Court in judgment in the case of ***J.Kanniga Parameswari vs. the Special Commissioner and Commissioner of Treasury Accounts Office, Chennai and others reported in 2007 (4) LLN 859*** has an occasion to consider a similar situation. Even in case, where there is no nomination for pension or the deceased do not nominate any one to receive pension, the family pension cannot be denied on technicalities. The learned Judge has remitted the matter to the Authorities concerned to exercise the power under Rule 82 of the Pension Rules and to relax the condition relating to the nomination and to sanction and pay the family pension to the petitioner within three months from the date of receipt of that order. The judgement in the said case is squarely applicable to the facts of the present case.

6. In view of the abovesaid facts, the respondents herein are directed to forward the family pension proposal to the Accountant General Office, Chennai within a period of two months from the date of receipt of a copy of this order.

7. This Writ Petition is allowed, with above directions. No costs.

**12.08.2024**

Index : Yes/No  
Internet: Yes/No  
apd



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To

1.The District Adi Dravidar Welfare Officer,  
Collector's Office,  
Ramanathapuram District,  
Ramanathapuram.

2.The Special Tahsildar (Adi Dravidar Welfare),  
Collector's Office,  
Ramanathapuram District,  
Ramanathapuram.



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**R.VIJAYAKUMAR, J.**

apd

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