



WP(MD) No.4676 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **29.04.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.4676 of 2024

M.Venkatesh

.. Petitioner

Vs.

1.The Principal Accountant General A& E Tamilnadu,
No.361, Anna Salai,
Chennai- 600 018.

2.The Block Educational Officer,
O/o.The Block Educational Office,
Ambasamudram Taluk,
Tirunelveli District- 627 401.

3.The Chairman,
Medical Board,
Tirunelveli Government Medical College Hospital,
Tirunelveli- 627 011.

.. Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of of Certiorarified Mandamus, calling for the records of the impugned orders in proceedings bearing Pen 16/II/PPT/10477/23-24 dated 11.12.2023 on the file of the 1st respondent and proceedings bearing Oo.Moo.No.197/A3/2023 dated 26.12.2023 on the file of the 2nd respondent and quash the same and direct the 1st respondent to accord sanction of the family pension to the petitioner with effect from 27.07.2020 and further direct the 3rd respondent to clarify or issue fresh medical certificate on the severity of Schizophernia being suffered by the petitioner and pursue the family pension for the petitioner.

For Petitioner : Mr.S.Loganathan

For Respondents : Mr.P.Gunasekaran
Standing Counsel for R1

Mr.T.Amjdakhan
Government Advocate for R2 &

R3



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ORDER

This writ petition has been filed for issuance of Writ of Certiorarified Mandamus, to quash the proceedings of the 1st respondent in Pen 16/II/PPT/10477/23-24 dated 11.12.2023 and the proceedings of the 2nd respondent in Oo.Moo.No.197/A3/2023 dated 26.12.2023 and for consequential direction to the 1st respondent to accord sanction of the family pension to the petitioner with effect from 27.07.2020 and further direct the 3rd respondent to clarify or issue fresh medical certificate on the severity of Schizophrenia being suffered by the petitioner and pursue the family pension for the petitioner.

2. Heard Mr.S.Loganathan, learned counsel appearing for the petitioner, Mr.P.Gunasekaran, learned Standing counsel appearing for the first respondent and Mr.T.Amjdakhan, learned Government Advocate appearing for the respondents 2 & 3.



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3. The petitioner applied for the family pension consequent to the death of his mother Velammal, who was working as Headmistress in Panchayat Union Primary School, Singampatti. The claim of the petitioner was rejected through an order issued by the second respondent on 26.12.2023. The reason for rejection is as per the medical certificate produced before the authority, the petitioner was suffering with Schizophrenia and not Chronic Schizophrenia.

4. It is learnt from the guidelines and the clarificatory notice issued by the Government in Letter No.51279/Fin(Pension)/2015-1 dated 22.09.2015 that the person suffering from Chronic or Chronic Severe Schizophrenia is entitled to get family pension. For the sake convenience the said Government letter dated 22.09.2015 is extracted below:



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FINANCE (Pension) DEPARTMENT

**Secretariat,
Chennai-600 009.**

Letter No. 51279/Fin (Pension) /2015-1, DATED:22-09-2015.

From
Thiru K. SHANMUGAM, I.A.S.,
Principal Secretary to Government.

To
All Secretaries to Government.
All Departments of Secretariat.
All Heads of Department.
All District Collectors / District Judges / Magistrates.
The Principal Accountant General (A&E), Chennai-600 018.

Sir,

Sub: PENSION - Family Pension - Payment of Family Pension to the children in the case of persons suffering from Chronic Schizophrenia and divorced or widowed or unmarried daughter - Clarification - Regarding.

- Ref:** 1. G.O.Ms.No.635, Finance (Pension) Department, Dated 26-07-1994.
2. G.O.Ms.No.383, Finance (Pension) Department, Dated 21-06-1996.
3. Government Letter No.10544 / Finance (Pension) / 2002-9, Dated 27-09-2006.

-cc-

In the Government Orders first and second cited, it has been ordered that in cases where the names of eligible children have not been mentioned in the Pension Payment Order (PPO) for various reasons, the pensioner can furnish a list of eligible children to the Pension Sanctioning Authority and obtain an acknowledgement thereof from that authority. This acknowledgment will be produced at the time of submission of family pension claim to the Pension Sanctioning Authority. However, the production of an acknowledgment will not be a pre-condition to the processing of claim for family pension. Even the spouse of the deceased Government servant/pensioner can furnish the details of such children, if not furnished by the Government servant/pensioner earlier, to the Pension Sanctioning Authority.

2. In the Government letter third cited, it has been clarified that family pension can be considered only in the case of persons certified by the Medical Board as suffering from Chronic Severe Schizophrenia.



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3. It is matter of concern that a large number of complaints have been received from Pensioners / Family Pensioners indicating the reluctance to include the names of persons who are suffering from Schizophrenia in the Pension Payment Order (PPO) as the certificate mentions Chronic Schizophrenia instead of Chronic Severe Schizophrenia though the disability is greater than 40 percent and the person is unable to earn livelihood and such narrow interpretation is delaying the sanction of family pension to such eligible family members.

4. In order to streamline and avoid delay in the sanction of family pension, it is now clarified that in the case of child of a Government servant/Pensioner who is suffering from Schizophrenia, rendering him/her unable to earn for his/her livelihood even after attaining the age of 25 years of the age shall be granted family pension for life and the same shall be evidenced by a certificate indicating Chronic Schizophrenia or Chronic Severe Schizophrenia obtained from a Medical Officer not below the rank of a Civil Surgeon as per Rule 49(6) of Tamil Nadu Pension Rules, 1978 or from the Medical Board.

5. It is also clarified that in cases wherein eligibility of family members i.e. divorced or widowed or unmarried daughter occurs after issue of the Pension Payment Order (PPO), the pensioner himself or his/her spouse may intimate the details of divorced or widowed or unmarried daughter to the Pension Sanctioning Authority. Similarly, in cases where the Pensioner or his/her spouse expired, the widowed or divorced or unmarried daughter can themselves intimate such details to the Pension Sanctioning Authority as and when their eligibility come up. However, the family pension in such cases can be processed by the Pension Sanctioning Authority even without such intimation/acknowledgment, if sufficient proof of entitlement is produced by the claimant and all other conditions for grant of family pension are fulfilled as per the Tamil Nadu Pension Rules, 1978 and Government Orders in force.

Yours faithfully,

Amirtha Jayam
22/02/2015

for PRINCIPAL SECRETARY TO GOVERNMENT.



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5. Mr.S.Loganathan, learned counsel for the petitioner submitted that the petitioner is suffering from Severe Schizophrenia at least for 35 years and hence in all possibilities the Schizophrenia suffered by him all these years is chronic, but the respondents did not consider his case and rejected the same.

6. The respondents can come to the conclusion only on the basis of the medical certificate produced by the petitioner since the medical board/third respondent is not stated about the chronic nature of the Schizophrenia in the medical certificate and he simply stated that the petitioner has Schizophrenia. Hence, the first respondent has rejected the claim of the petitioner.

7. However the petitioner can appear before the third respondent/Medical Board once again within a period of three weeks from the date of receipt of a copy of this order and on his appearance,



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the third respondent shall consider the severity condition of the petitioner in an elaborate manner and issue certificate afresh as early as possible. So it is open to the petitioner to approach the authorities concerned with a fresh medical certificate obtained by him through the third respondent/Medical Board and make his claim.

8. With the above direction, this writ petition is **disposed
of. No Costs.**

29.04.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
PJL

To

1.The Principal Accountant General A& E Tamilnadu,
No.361, Anna Salai,
Chennai- 600 018.

2.The Block Educational Officer,
O/o.The Block Educational Office,
Ambasamudram Taluk,

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Tirunelveli District- 627 401.

3.The Chairman,
Medical Board,
Tirunelveli Government Medical College Hospital,
Tirunelveli- 627 011.



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R.N.MANJULA, J.

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