



W.P.(MD)No.9409 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.04.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.9409 of 2024

P.Ramalakshmi

... Petitioner

vs.

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

2.The Executive Engineer,
Water Resources Department,
Tamirabarani Basin Circle,
Tirunelveli - 627 002.

3.The Assistant Executive Engineer,
Water Resources Department,
Tamirabarani Sub Division Manimuthar,
Tirunelveli - 627 416.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugner order Koo24/2024(1169) Vo Se Poo/dated 02.01.2024 on the file of the third respondent and quash the same and consequently direct the third respondent to send family pension proposal,



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after receiving the same, direct the first respondent to sanction family pension to the petitioner within a stipulated time.

For Petitioner : Ms.A.Dharani

For Respondents : Mr.G.Karthik,
Standing Counsel for R1

Mr.M.Lingadurai,
Special Government Pleader
for R2 and R3

ORDER

Heard Ms.A.Dharani, learned counsel for the petitioner, Mr.G.Karthik, learned Standing Counsel for the first respondent and Mr.M.Lingadurai, learned Special Government Pleader for the respondents 2 and 3.

2. The petitioner has filed this petition seeking a Writ of Certiorarified Mandamus calling for the records relating to the impugner order in Koo24/2024(1169) Vo Se Poo/dated 02.01.2024 on the file of the third respondent and quash the same and consequently direct the third respondent to send family pension proposal, and in pursuance thereof, direct the first respondent to sanction family pension to her within a



3. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4. The petitioner's father S.Perumal Devar who worked as a Watchman in the third respondent Department, died while in service on 22.10.1980. Subsequently, petitioner's mother who has been all along receiving family pension died on 05.06.2021. The petitioner has now filed the present petition stating that her husband Mayandi died on 20.01.2016; she is a widowed daughter; and therefore she is eligible for family pension in terms of G.O.Ms.No.325, Finance (Pension) Department, dated 28.11.2011.

5. Ms.A.Dharani, learned counsel appearing for the petitioner submitted that family pension to the petitioner was rejected on the ground that in the Legal Heirship Certificates of the petitioner's father and mother issued by the Tahsildar, Ambasamudram on 26.02.2022 and 04.12.2022



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the Government servant / Pensioner when he/she was alive.

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8. Admittedly, the petitioner had become a widow after 36 years of her father's death. Till the year 2016, the petitioner was living with her husband and she did not depend upon her father's income. So, the benefits of the Government Orders stated supra cannot be construed as extendable to all those daughters who had happened to loose their husbands after the death of their father/mother who was in the Government service.

9. If the Government Orders are construed in such a pattern, there cannot be any certainty in identifying the widowed daughters eligible to get the family pension benefits. Every death of the husband of the daughter of a Government servant cannot be considered as an event which would qualify her to get the family pension under the scheme. Hence, I find no merits in this Writ Petition.



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10. In view of the above stated reasons, this Writ Petition stands

dismissed. No costs.

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NCC: Yes/No

Index : Yes/No

Speaking/Non-Speaking order

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R.N.MANJULA, J.

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