



W.P.(MD)No.9290 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.04.2024

CORAM

THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P.(MD)No.9290 of 2024

E.Mariammal

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by the Principal Secretary to the Government,
Finance Department Secretariat,
Fort St.George,
Chennai – 600 009.
- 2.The State of Tamil Nadu,
Represented by the Principal Secretary to the Government,
TNEB Energy Department,
Secretariat,
Fort St George,
Chennai – 600 009.
- 3.The Chairman cum Managing Director,
Tamil Nadu Electricity Board,
N.K.K.R.R.Maalgai,
No.144, Anna Salai,
Chennai – 600 002.
- 4.The Chief Internal Audit Officer,
Audit Branch,
Tamil Nadu Generation and Distribution Corporation Limited,
N.K.K.R.R.Maalgai,
No.144, Anna Salai,
Chennai – 600 002.
- 5.The Superintending Engineer,
General Construction Circle South,
K.Pudur,
Madurai – 625 007.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to impugned order dated 18.03.2024 in க.எண்.௦113௦ /மே.பொ.பொநிவ/ மது/உ.நி.அ/நிமே/சயி/உ.1 /கோ.ஒய்வு/ 2 0 2 4 on the file of the fifth respondent and quash the same and consequently directing the fifth respondent to sent family pension proposal, after receiving the same, the fourth respondent to pay sanction family pension of the petitioner within a time stipulated by this Court.

For Petitioner : Ms.A.Dharani

For R-1 and R-2 : Mr.J.Ashok
Additional Government Pleader

For R-3 to R-5 : Mr.B.Ramanathan
Standing Counsel

ORDER

This Writ Petition has been filed seeking to quash the order passed by the fifth respondent dated 18.03.2024 and consequently directing the fifth respondent to send family pension proposal to the fourth respondent and after receiving the same, the fourth respondent to sanction family pension of the petitioner.

2. Heard Ms.A.Dharani, learned counsel for the petitioner, Mr.J.Ashok, learned Additional Government Pleader for the respondents 1 and 2 and Mr.B.Ramanathan, learned Standing Counsel for the respondents 3, 4 and 5.



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

4. Ms.A.Dharani, learned counsel for the petitioner submitted that the petitioner's father, namely, K.Karuppan who was working as Maistry I Grade in the Tamil Nadu Electricity Board had retired on 31.07.1996 on attaining superannuation. During his lifetime, he was receiving pension and he died on 14.12.2013. After the demise of the petitioner's father, her mother, namely, Karuppammal was receiving family pension and she also died on 13.08.2021. Now, the petitioner claims that her husband Erulappan died on 10.02.2021 and she is entitled to the benefits of family pension. The contention of the petitioner is that as a widowed daughter of the deceased, she is entitled for family pension in terms of G.O.(Ms).No.325, Finance Pension Department, dated 28.11.2011 and FB TANGEDCO proceedings No.51 dated 06.09.2012. The petitioner preferred a representation to the fifth respondent seeking family pension. The fifth respondent through the impugned order dated 18.03.2024 rejected the claim of the petitioner. From the impugned order, it is observed that the petitioner has become a widow only after the death of her father and she did not depend upon her father's income during his life time.



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5. Mr.J.Ashok, learned Additional Government Pleader for the respondents 1 and 2 submitted that the Government Order in G.O(Ms).No.327 Finance Pension Department, dated 30.08.2001 would clarify about the entitlement of unmarried, widow, divorced daughters, even after attaining the age of 25 years and eligible parents who were wholly dependent on the Government servant / Pensioner when he/she was alive. Admittedly, the petitioner had become a widow after 8 years of her father's death.

6. The petitioner was living with her husband when her father was alive 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.

7. 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.



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

dismissed. No costs.

16.04.2024

NCC:yes/no

Index:yes/no

Internet:yes/no

Nsr

To:

1.The Principal Secretary to the Government,
The State of Tamil Nadu,
Finance Department Secretariat,
Fort St.George,
Chennai – 600 009.

2.The Principal Secretary to the Government,
The State of Tamil Nadu,
TNEB Energy Department,
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3.The Chairman cum Managing Director,
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R.N.MANJULA, J.

Nsr

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