



W.P.(MD)No.15544 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.07.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.15544 of 2024

M.Piari John

... Petitioner

Vs.

1.The Director,
Department of Local Fund Audit,
4th Floor, Integrated Finance Office Premises,
Nandhanam,
Chennai-600 035.

2.The Commissioner,
Corporation,
Tirunelveli-627 001.

3.The Deputy Director,
Local Fund Audit,
Corporation Office,
Tirunelveli-627 001.

4.The Regional Assistant Commissioner,
Tirunelveli Region,
Corporation of Tirunelveli-627 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to issue orders for family pension from 28.11.2021 as per the petitioner's representation dated



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16.04.2024 in tune with the Government Order in G.O.(Ms).No.165, dated 21.05.2012 which has made amendment on G.O.(Ms).No.325, dated 28.11.2021.

For Petitioner : Mr.M.Sheik Abdullah
For R-1 to R-3 : Mr.J.Ashok,
Additional Government Pleader
For R-4 : Mr.S.P.Maharajan,
Standing Counsel

ORDER

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

2. Heard Mr.M.Sheik Abdullah, learned counsel appearing for the petitioner, Mr.J.Ashok, learned Additional Government Pleader appearing for respondent Nos.1 to 3 and Mr.S.P.Maharajan, learned Standing Counsel appearing for the fourth respondent.

3. This Writ Petition has been filed seeking direction to the respondents to issue orders for family pension from 28.11.2021 as per the petitioner's representation dated 16.04.2024 in tune with the Government Order in G.O. (Ms).No.165, Finance (Pension) Department, dated 21.05.2012 which was



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amended in the Government Order in G.O.(Ms).No.325, Finance (Pension),

dated 28.11.2021.

4. The petitioner is said to be the unmarried dependant daughter of her deceased father, who is working as a Pipeline Fitter in the fourth respondent Corporation, has filed this Writ Petition seeking family pension with effect from 28.04.2011. The petitioner's father got retirement from service and superannuated on 30.06.1973. He died subsequently on 31.12.1992. Subsequent to the death of the father, the petitioner's mother late Beejohn Beevi was receiving pension from 07.11.2007. The petitioner is the unmarried daughter of her late parents.

5. Mr.Sheik Abdullah, learned counsel appearing for the petitioner submitted that as per the Government Order in G.O.(Ms).No.325, Finance (Pension) Department, dated 28.11.2021, the unmarried or widowed and divorced daughter of the deceased pensioners will be eligible to get their family pension till their life time. Since the Government Order has been passed on 28.11.2021, the petitioner has been given with family pension only on 28.08.2021. The petitioner has given a representation to the respondents seeking to release family pension to her on 16.04.2024.



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6. Mr.S.P.Maharajan, learned Standing Counsel appearing for the respondent Nos.2 and 4 submitted that it is for the first respondent to issue an Audit Certificate Sanctioning the family pension payable to the petitioner and only then, the disbursement can be made by the second respondent.

7. Since the petitioner was aged above 25 years as on the date when the Government Order in G.O.(Ms).No.325, Finance (Pension) Department, dated 28.11.2021 has been passed, the first respondent shall consider and pass appropriate orders.

8. In view of the above, the writ petition is **disposed of** with a direction to the first respondent to consider and pass appropriate orders to release family pension to the petitioner in accordance with the Government Order in G.O. (Ms).No.325, Finance (Pension) Department, dated 28.11.2021, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

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NCC:yes/no
Index:yes/no
Internet:yes/no
TSG



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To

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2.The Commissioner,
Corporation,
Tirunelveli-627 001.

3.The Deputy Director,
Local Fund Audit,
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R.N.MANJULA, J.

TSG

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