



WP(MD). No.11838 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 06.06.2024

CORAM

THE HON'BLE Ms.JUSTICE R.N.MANJULA

WP(MD) No.11838 of 2024

A.Radhakrishnan

... Petitioner

Vs

1. The Joint Director of Health Services,
Nilgris District, Ooty – 643 001.
2. The Principal Accountant General,
(Accounts and Entitlements) Tamil Nadu,
261, Anna Salai, Chennai – 600 018.

... Respondents

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to permit the petitioner to receive the family pension on behalf of the petitioners mentally retarded / mentally disabled sister A.Subashini and to disburse the family pension with pending amount around 32 months along with interest based upon the representation dated 13.03.2024.

For Petitioner : Mr. P.Thirumahilmaran

For Respondents : Mr.M.Lingadurai for R1
Special Government Pleader
Mr.G.Karthick for R2



WP(MD). No.11838 of 2024

WEB COPY

ORDER

Heard Mr.P.Thirumahilmaran, learned counsel for the petitioner, Mr.M.Lingadurai, learned Additional Government Pleader, for the first respondent and the learned counsel for the 2nd respondent.

2.This writ petition has been filed for a direction to the respondents to permit the petitioner to receive the family pension on behalf of the petitioners mentally retarded / mentally disabled sister A.Subashini and to disburse the family pension with pending amount around 32 months along with interest based upon the representation dated 13.03.2024.

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

4. The petitioner's mother by name Radhabai was working as Medical officer and she died on 28.03.1990. Since Radhabai has got mentally retarded daughter by name Subashini, the father of the



WP(MD). No.11838 of 2024

petitioner has filed writ petition in WP(MD) No.1460/2018 and got an order on 27.02.2018 to sanction family pension in favour of Subashini and permitted him to receive the same from the respondents 3 and 4 therein.

5. It is now submitted by the petitioner that his father also died and the petitioner is the only guardian of his sister Subashini and hence, he made representation to the respondents to sanction family pension to him as a guardian for his sister Subashini. Since the same has not been considered so far, the petitioner is before this Court.

6. The petitioner ought to have obtain a guardian certificate from the Court by filing appropriate petition. Even the respondent did not assign any reason as to why the family pension for the petitioner's sister have been stopped for nearly 32 months.

7. Since the petitioner has given representation, it is incumbent on the first respondent to consider the same. Accordingly, the first respondent is directed to consider the representation of the petitioner



WP(MD). No.11838 of 2024

dated 13.03.2024 and pass orders on its own merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

8. With the above direction, the writ petition is disposed of. No costs.

06.06.2024

NCC : Yes/No
Index : Yes/No

RR

TO

1. The Joint Director of Health Services,
Nilgris District, Ooty – 643 001.
2. The Principal Accountant General,
(Accounts and Entitlements) Tamil Nadu,
261, Anna Salai, Chennai – 600 018.



WEB COPY



WP(MD). No.11838 of 2024

R.N.MANJULA, J.

RR

ORDER
IN
WP(MD) No. 11838 of 2024

Date : 06.06.2024