



WP(MD) No.14612 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.07.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.14612 of 2024

and

W.M.P.(MD) No.12809 of 2024

J.Guru Deivamani

... Petitioner

Vs.

- 1.The Principal Accountant General (A&E),
O/o.The Principal Accountant General (A&E),
Tamilnadu,
No.361, Anna Salai,
Chennai – 18.
- 2.The Senior Accounts Officer /Pen13,
O/o.The Principal Accountant General (A&E),
Tamilnadu,
No.361, Anna Salai,
Chennai – 18.
- 3.The Chief Educational Officer,
CEO Office Campus,
Madurai – 625 003.
- 4.The Block Educational Officer,
BEO Officer Campus,
Sedapatti – 625 527,
Madurai – 625 002.



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5.The Secretary,
Finance Department,
Chennai.

... Respondents

(R5 is suo motu impleaded as fifth respondent vide this order of this Court.)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified mandamus, impugned order passed by the 2nd respondent in his proceedings in Lr.No.Pension.13 / Unit7/Pt. 16840/24-25 dated 09.05.2024 and quash the same as illegal and consequentially to direct the respondents to grant family pension to the petitioner arising out of the State Government civil service of petitioners deceased father Late.S.Jegadeesan within the period that may be stipulated by this Court.

For Petitioner : Mr.K.P.Narayanakumar
Senior Counsel
for Mr.N.Karthikeyan

For Respondents : Mr.M.Siddharthan (R2 to R5)
Additional Government Pleader
Mr.P.Gunasekaran (R1)

ORDER

The petitioner has filed this Writ Petition challenging the impugned order passed by the 2nd respondent in his proceedings in



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Lr.No.Pension.13 / Unit7/Pt. 16840/24-25 dated 09.05.2024 with a consequential direction to the respondents to grant family pension to the petitioner arising out of the State Government civil service of petitioner's deceased father Late.S.Jegadeesan within the period that may be stipulated by this Court.

2. Heard Mr.K.P.Narayanakumar, learned senior counsel for the petitioner, Mr.M.Siddharthan, learned Additional Government Pleader appearing for the respondents 2 to 4 and Mr.P.Gunasekaran, learned Standing Counsel for the first respondent.

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

4. The petitioner claims herself as deserted daughter of the Government servant, namely, Late.S.Jegadeesan stating that G.O.Ms.No.325, Finance (Pension) Department, dated 28.11.2011 is equally applicable to the deserted dependent daughter as well. The aforesaid GO states that unmarried / divorced / widow daughters of the



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deceased government servants / pensioners are entitled to get family pension. The petitioner claims that she was deserted by her husband for the past 20 years and hence, she is also the beneficiary of the G.O.Ms.No.325, Finance (Pension) Department, dated 28.11.2011 and hence, the benefit under the aforesaid GO shall be extended to her.

5. The learned counsel appearing for the petitioner drew the attention of this Court to the order passed by this Court in WP(MD)No. 21964 of 2023 dated 02.11.2023, wherein it is stated as follows:-

“20.As far as the instant case is concerned, the objective sought to be achieved is to extend the benefit of family pension to the destitute daughters of deceased pensioners who are beyond the age of 25 years with effect from 28.11.2011. When the object sought to be achieved is to extend the benefit of family pension to destitute daughters, the classification of daughters into unmarried daughters/widowed daughters/divorced daughters thereby excluding the benefit of family pension to deserted daughters, who would fall under the category of destitutes is absolutely arbitrary and discriminative. The right of livelihood is an integral



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facet of right to live. The word 'law' which figures in Article 21 of Constitution should be just, fair and reasonable. Hence, G.O.Ms.No.325 Finance (Pension) Department dated 28.11.2011 to be just fair and reasonable should be given a liberal interpretation.”

6. It is seen that a liberal interpretation has been given to the beneficiaries contemplated under G.O.Ms.No.325 Finance (Pension) Department dated 28.11.2011 by including the deserted daughters of the deceased government employee. Even though the impugned communication is an inter-departmental communication between the first and fourth respondent, it is for the Government to give the clarification as to whether the deserted daughters like the petitioner are entitled to get the family pension or not.

7. In view of the above, the Secretary, Finance Department, Chennai, is suo motu impleaded as the fifth respondent, for whom the Mr.M.Siddharthan, learned Additional Government Pleader takes notice.



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8. In view of the aforesaid observation, the petitioner is directed to send a representation to the fifth respondent, who in turn is also directed to consider the representation to be sent by the petitioner and pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of the representation given by the petitioner.

9. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

04.07.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
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R.N.MANJULA, J.

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Order made in
W.P.(MD)No.14612 of 2024

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