



WP(MD) No.15171 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.07.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.15171 of 2024

and

W.M.P.(MD) Nos.13283 & 13284 of 2024

Kalaivani

... Petitioner

Vs.

1.The Internal Audit Officer,
Board Office Audit Branch / TNEB,
NPKRR Malligai 1st Floor,
800, Anna Salai, Chennai – 600 002.

2.The Superintending Engineer,
TANGEDCO, Kanniyakumari,
Nagercoil.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records in respect of the impugned order issued by the 1st respondent vide his proceedings Letter No.11784/Pt.346/F.8/F.33/PPO.No.4505 R/2021 dated 07.09.2021 and quash the same as illegal and subsequently pay minimum family pension sum of Rs.7850/- with effect from 20.08.2020 with arrears by complying the 2nd respondent's order



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vide her proceedings No.003201/263/Adm.III/D.3/F.Pension/2021 dated 16.04.2021.

For Petitioner : Mr.S.I.Muthiah

For Respondents : Mr.S.Arivalagan

ORDER

The petitioner, who is the daughter of the deceased Government employee namely, Sankaranarayanan, who retired from service on 13.04.1990 and died on 15.06.1993, has filed this Writ Petition challenging the order of cancelling the family pension already granted to her.

2. In the impugned order dated 07.09.2021, it is stated that as per the TANGEDCO proceedings No.52 Part-B-18 dated 12.03.2018, only the unmarried daughter/widow daughter, who was dependant upon the income of the employee, is entitled to get family pension after the life time of the employee. In the instant case, the petitioner got married in the year 1995 and her husband died in the year 2013. The mother of the petitioner was getting pension subsequent to the death of his father and she also expired on 10.09.2020.



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3. The learned counsel for the petitioner submitted that the petitioner was depending upon the family pension received by her mother and after the demise of her mother, there is no one to maintain the petitioner.

4. In fact, the petitioner was not a widow at the time when her father died. Even she remained unmarried, when the father was alive. She got married subsequently in the year 1995, after death of her father and was living with her husband. The petitioner's husband died after 10 years of their marriage, that is on 17.01.2013 and only thereafter, she became widow. The petitioner could not have been depending upon the father as a widow. Because her father himself died before her marriage and hence, an order has been passed for cancelling the family pension granted to her earlier.

5. Certain guidelines have been issued in the proceedings in CMD TANGEDCO proceedings No.52, dated 02.03.2018 by adopting G.O.Ms.No.337, Finance (Pay Cell) Department, dated 14.11.2017 for



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granting family pension to the eligible unmarried / widowed / divorced daughters even after attaining the age limit of 25 years with a condition that the unmarried / widowed / divorced daughters.

6. As stated, the petitioner has got married on 09.06.1995 and when her husband died on 17.01.2013, neither of her parents were alive. Naturally, she could have been dependent upon her husband's income and not the income of her parents either in the capacity of the employee / pensioner. The petitioner intends to invoke the rule on a wrong premise and also in view of the aforesaid observations, I find no merit in this case. Hence, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

22.07.2024

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

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Order made in
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