



W.P.(MD)No.16383 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.07.2024

CORAM:

**THE HONOURABLE MS.JUSTICE R.N.MANJULA**

W.P.(MD)No.16383 of 2024

S.Kamila Bagam

... Petitioner

vs.

1.The Comptroller,  
Tamil Nadu Agricultural University,  
Coimbatore - 6141 003.

2.The Dean,  
VOC Agricultural College and Research Institution,  
Killikulam, Vallanadu - 628 252,  
Thoothukudi District.

... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned rejection order issued vide letter in K.No. 14648/2023/27.12.2023 passed by the first respondent and quash the same and issue direction for sanctioning family pension to the petitioner as per the Government Order in G.O.Ms.No.325, Finance Department, dated 28.11.2011.

For Petitioner : Mr.M.Sheik Abdullah

For Respondents : Mr.A.Thirumoorthy  
Standing Counsel



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## **ORDER**

Heard Mr.M.Sheik Abdullah, learned counsel appearing for the petitioner and Mr.A.Thirumoorthy, learned Standing Counsel appearing for the respondents.

2. The petitioner has filed this petition seeking to quash the impugned proceedings of the first respondent in K.No.14648/2023/27.12.2023, which rejected her request for grant of family pension and issue a direction for sanctioning family pension to her as per the Government Order in G.O.Ms.No.325, Finance Department, dated 28.11.2011.

3. The petitioner's father Syed Abubackar who worked as an Agri Supervisor in the second respondent Office retired on 30.04.1991. Subsequently, he died on 16.12.2000. The petitioner's mother pre-deceased the petitioner's father on 01.12.1998. The petitioner who already got married had become a widow on 06.06.2014, on which date her husband died. So the petitioner claiming herself as eligible to get



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family pension, had given a representation to the first respondent. However, the same was rejected vide the impugned order. Hence, the petition.

4. Mr.M.Sheik Abdullah, learned counsel appearing for the petitioner submitted that as per the Government Order in G.O.Ms.No.325, Finance Department, dated 28.11.2011, the petitioner is entitled to get family pension. It is his submission that as per the above said Government Order, unmarried / widow / divorced daughters above 25 years are eligible to get family pension subject to other conditions.

5. The petitioner's claim for family pension was rejected by the first respondent through the impugned order dated 27.12.2023 by stating that as per the Government Order in G.O.Ms.No.337, Finance [pay cell] Department dated 14.11.2017, the petitioner is not entitled for family pension.



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**6. The Government Order in G.O.Ms.No.337, Finance [pay cell]**

Department dated 14.11.2017 has been issued for enhancement of income limit for the eligibility of Family Pension other than spouse. It is understood from the said Government Order that the unmarried son / unmarried daughter including widowed / divorced daughters, who are wholly dependent on the Government Servant / Pensioner and who are below 25 years are eligible to get family pension. However, it is also understood that the age limit of 25 years is not applicable to unmarried / widowed / divorced daughters who are wholly dependent on the Government Servant / Pensioner at the time when they die.

7. In the instant case, the petitioner's father died in the year 2000 and the petitioner's mother died in the year 1998. The petitioner got married subsequently and hence, she would only be depending upon her husband's income. So, the petitioner ceased to be a person who is depending upon her father at the relevant point of time when her father died.



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8. Even though her mother and father passed away during the years 1998 and 2000 respectively, the petitioner did not make any application for family pension till the year 2023. This fact would only show that the petitioner was not depending upon her father's income and she was making her livelihood even after the death of her husband. Even if it is presumed that the petitioner is struggling for livelihood, it cannot be considered as a reason for providing her family pension as she had ceased to be a person who continues to be depending upon her father's income at the time when her father died. Since the petitioner had wrongly interpreted the provisions of the Government Order in G.O.Ms.No.337, Finace [pay cell] Department dated 14.11.2017 to the facts of her case, the relief sought for by the petitioner cannot be granted.

9. In view of the above stated reasons, the writ petition is **dismissed**. No costs.

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NCC: Yes/No  
Index : Yes/No  
Speaking/Non-Speaking order  
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R.N.MANJULA, J.

*mbi*

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