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W.P.(MD).No.16345 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.08.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.16345 of 2016

V.Krishnaveni

... Petitioner

Vs.

1.The Principal Accountant General,
(Accounts & Entitlements),
No.361, Anna Salai,
Chennai-600 018.

2.The Superintendent of Police,
O/o. the Superintendent of Police,
Madurai-625 007,
Madurai District.

3.The Zonal Deputy Tahsildar,
Periakulam-625 601,
Periakulam Taluk,
Theni District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned communication in Pen 33/VII/Go325/Dt 15117/1677/dated 12.08.2016 on the file of the 1st respondent and quash the same as illegal and consequently to direct the respondents to consider the petitioner's claim for family pension by taking



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note of the revised income certificate dated 15.03.2016 issued by the 3rd respondent within the time stipulated by this Court.

For Petitioner : Mr.R.M.Mahesh Kumaravel

For R-1 : Mr.P.Gunasekaran,
Standing Counsel

For R-2 & R-3 : Mr.P.T.Thiraviyam,
Government Advocate

ORDER

The prayer of the writ petition is as follows:

This writ petition has been filed to call for the records pertaining to the impugned communication in Pen 33/VII/Go325/Dt 15117/1677/dated 12.08.2016 on the file of the 1st respondent and quash the same as illegal and consequently to direct the respondents to consider the petitioner's claim for family pension by taking note of the revised income certificate dated 15.03.2016 issued by the 3rd respondent within the time stipulated by this Court.

2. The facts which led to the filing of this writ petition is as follows:



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The petitioner's father was working as the Sub-Inspector of Police and he retired from service on attaining the age of superannuation on 30.11.1964. The petitioner's father was receiving pension vide PPO.No.A58139 and his wife expired on 16.02.2000. Following which, the petitioner's father also passed away on 17.10.2000. The petitioner who is the eldest daughter of late. Thiru. Alagarsamy, is a widow pursuant to the death of her husband on 21.03.1971. She applied for family pension along with all necessary documents by her application dated 17.02.2014 to the respondents. Her application was forwarded to the 1st respondent through the office of the 2nd respondent. However, the income certificate enclosed with the said application reflected her annual income as Rs.30,000/-. Without processing her application, the same was kept pending by the respondents for a long time. Hence, she made a fresh application on 13.11.2015 to the 2nd respondent through the 1st respondent, in which, she had enclosed an income certificate certifying that her annual income as Rs. 48,000/-. While so, the impugned order dated 12.08.2016 came to be passed by the 1st respondent for the reason that the annual income has exceeded the limit prescribed as per G.O.NO.327, Finance Department, dated 30.07.2011 read with G.O.No.325, Finance Department dated 28.11.2011 and thereby declining her claim for family pension as per the



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aforesaid G.Os. Challenging the same, the present writ petition came to be filed.

3. The learned counsel for the petitioner submitted that, the petitioner had later submitted a revised income certificate reflecting her annual income as Rs.24,000/- per annum and hence, she will very well be covered by the mandates of G.O.No.327, Finance Department, dated 30.07.2011 read with G.O.No.325, Finance Department dated 28.11.2011 and on that basis, he pressed for allowing the writ petition.

4. The learned Standing Counsel for the 1st respondent Mr.P.Gunasekaran, based on the counter affidavit filed by the 1st respondent submitted that, they have not received any such revised income certificate so far. In view of the submission made by the learned counsel for the petitioner, he fairly submitted that the petitioner may submit a fresh application along with all relevant documents including the revised income certificate reflecting her annual income as Rs.24,000/- per annum and in case of such application, the same may be considered within a month and appropriate orders will be passed.



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5. Mr.P.T.Thiraviyam, learned Government Advocate appearing for the respondents 2 and 3 submitted that, if the petitioner submit a fresh application, it would be duly forwarded to the 1st respondent for appreciation.

6. Heard the learned counsels on either sides and carefully perused the materials available on record.

7. The learned standing counsel for the 1st respondent placed before me a letter bearing Letter No.249 / Fin.(Pension) / 2018, dated 23.02.2018, which is a clarification letter, in which, it is clarified that family pension would be extended to a widow daughter of a Government servant beyond the age of 25 years, if the revised income certificate of a lesser income, less than Rs.30,600/- as certified by the revenue authority is produced by the applicant.

8. Considering the submission made by the learned counsel for the petitioner that an income certificate for a lesser income of Rs.24,000/- as certified by the revenue authority, has already been submitted, in line of the submission made by the counsel for the petitioner, the petitioner is hereby



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directed to submit a fresh application seeking family pension along with all other necessary documents including the revised income certificate to the 2nd respondent forthwith and on receipt of the same, the 2nd respondent is directed to forward the same to the 1st respondent within a period of two (2) weeks from the date of the application and the 1st respondent on receipt of the same is directed to pass appropriate orders in terms of the clarification letter of the Finance Secretary in Letter No.249 / Fin.(Pension) / 2018, dated 23.02.2018 within a period of four (4) weeks therefrom.

9. With the above terms and observations, this writ petition stands disposed of. There shall be no order as to costs.

12.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml

To

1.The Principal Accountant General,
(Accounts & Entitlements),
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2.The Superintendent of Police,
O/o. the Superintendent of Police,
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L.VICTORIA GOWRI, J.

Sml

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