



W.P.(MD).No.25315 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.25315 of 2024

Sasikala

... Petitioner

VS

1.The Accountant General
(Accounts & Establishments),
No.361, Anna Salai,
Teynampet, Chennai – 600 018.

2.The Deputy Director,
Medical and Rural Welfare Department,
Dindigul District, Dindigul.

3.The Superintendent,
Government Headquarters Hospital,
Dindigul District.

4.The Dean,
Government Medical College Hospital,
Dindigul – 624 001.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to sanction the family pension to the petitioner's mentally retarded / mentally disability sister Pandi Lakshmi on account of death of her father, namely, M.Subban and permit the petitioner to receive the same from the first respondent in the light



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of Rule 49(6) (iii) (iii) of the Tamil Nadu Pension Rules, 1978 based on the recommendation sent by the second respondent vide proceedings in Na.Ka.No.3452/Ni4/2016, dated 03.10.2016 within the time limit stipulated by this Court and for other reliefs.

For Petitioner	: Mr.J.Lawrance
For Respondents No.1	: Mr.P.Gunasekaran
For Respondent Nos.2 to 4	: Mr.S.Shanmugavel Additional Government Pleader

ORDER

The instant writ petition has been filed seeking a mandamus for disbursement of family pension to the mentally challenged daughter of the deceased employee.

2. The learned Counsel appearing for the writ petitioner submitted that the petitioner's father M.Subban was working as a sanitary worker in the 4th respondent hospital and he passed away on 08.06.2015. The wife of the said employee had predeceased on 19.02.2014, leaving behind two sons and two daughters. Both the sons have already passed away and the two daughters of the deceased employee namely Sasikala/writ petitioner and her elder sister Pandi Lakshmi are the only surviving legal heirs.



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3. The present writ petition has been filed by the younger sister namely Sasikala and she had contended that, her elder sister namely S.Pandi Lakshmi is a mentally challenged person and therefore she may be granted full family pension after the death of her father. In this regard, the petitioner has made a request to the 2nd respondent. To the said effect, her representation was forwarded by the 2nd respondent to the 1st respondent. The first respondent by his proceedings dated 07.06.2022, had requested the 4th respondent to provide relevant medical certificates of the petitioner's elder sister i.e., Ms.Pandi Lakshmi, so that they can process the files.

4. According to the learned Counsel appearing for the 1st respondent, so far the medical certificates of Ms.Pandi Lakshmi have not been forwarded to the 4th respondent. Hence, they are not in a position to consider the representation of the writ petitioner.

5. In view of the above said facts, this Court is inclined to pass the following orders:



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(a) The petitioner is directed to appear before the fourth respondent to assess the medical condition of Ms.S.Pandi Lakshmi within a period of four (4) weeks from the date of receipt of a copy of this order.

(b) The fourth respondent is directed to forward the medical report to the second respondent within a further period of four(4) weeks.

(c) On receipt of the said report and the certificates, the second respondent is directed to forward the same to the first respondent for passing appropriate orders. The first respondent shall pass appropriate orders within a period of eight (8) weeks from the date of receipt of the report from the second respondent.

6. The Writ Petition stands disposed of with the above said observations. No costs.

28.10.2024

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