



WP(MD) No.26437 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **02.07.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.26437 of 2022

C.Gandhiyammal

... Petitioner

Vs.

1.The Director General,
Central Industrial Security Force Head Quarters Block 13,
CGO Complex, Lodhi Road,
New Delhi-110 003.

2.The Assistant Inspector General / PRO,
Central Industrial Security Force Head Quarters Block 13,
CGO Complex, Lodhi Road,
New Delhi-110 003.

3.The Office of the Senior Commandant,
Central Industrial Security Force,
Ministry of Home Affairs Unit,
7267, NTPP Kasimpur,
Aligaarh District-202 127,
Uttarpradesh.

4.M.Sathiya

....Respondents

(Respondent No.4 is suo motu impleaded as per Court Order dated
23.11.2022 in W.P.(MD).No.26437 of 2022)



WP(MD) No.26437 of 2022

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the third respondent in his order dated 04.10.2022 and quash the same and to direct the third respondent to consider the petitioner's representation dated 08.10.2022.

For Petitioner : Ms.T.Tamil Yazhini

For R-1 to R-3 : Mr.VS.Karthi

For R-4 : Mr.S.Saravanakumar

ORDER

The petitioner, who is the mother-in-law of the petitioner, has filed this writ petition to challenge the order dated 04.10.2022 of the third respondent and consequently to direct the third respondent to consider the petitioner's representation dated 08.10.2022.

2. Heard Ms.T.Tamil Yazhini, learned counsel for the petitioner, Mr.VS.Karthi, learned counsel appearing for the respondent Nos.1 to 3 and Mr.S.Saravanakumar, learned counsel appearing for the fourth respondent.



WP(MD) No.26437 of 2022

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3. There is no impugned order in the first instance. It is only an intimation given to the petitioner stating that as per the nomination given by the petitioner's son, the fourth respondent is the nominee in all respects and hence, the fourth respondent is entitled to receive pensionary benefits and compassionate appointment, if applicable as per the Rules. However, it is also mentioned that the petitioner was given with Rs.5,00,000/- from Risk-cum-Saving Fund.

4. So far as the Risk-cum-Saving fund is concerned, the learned counsel appearing for the fourth respondent submitted that the fourth respondent herself has no objection to disburse the said amount to the petitioner. However, it is submitted by the fourth respondent that the petitioner has raised objection to consider the compassionate appointment application of the fourth respondent despite she is the eligible legal heir to apply for the said post. So far as the pensionary benefits are concerned, they have already been disbursed to the petitioner as per Rule 56 (4) of the Central Civil Services Pension Rules. 1972 and hence, there cannot be any quarrel for the petitioner with regard to the same.



WP(MD) No.26437 of 2022

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4.1. The petitioner is not an eligible legal heir to get the compassionate appointment. Even as per the submission of the learned counsel appearing for the petitioner, the petitioner is aged 62 years and she can never be an eligible legal heir to get appointment under Compassionate grounds in view of the death of her son L.Chandran. Even as per the Central Civil Services Pension Rules, the Family Pension will be payable to the widow of the pensioner upto the date of death or re-marriage whichever is earlier. Only in the absence of widow / widower, the other legal heirs are entitled to get pension as contemplated under Rule 54 (6) of the Central Civil Services Pension Rules, 1972.

5. In the instant case, the petitioner does not fall under the first category of legal heir who is eligible to get the pension. Infact, the deceased employee himself has nominated his wife for receiving the pension and the pensionary benefits and hence, the respondents cannot expect to act differently contrary to the wishes of the deceased Government servant and contrary to the Rules governing the pension.



WP(MD) No.26437 of 2022

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6. In view of the above observations, this Writ Petition is

dismissed. No costs.

02.07.2024

Index : Yes / No

Internet : Yes / No

NCC : Yes / No

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WP(MD) No.26437 of 2022

R.N.MANJULA, J.

TSG

Order made in
W.P.(MD)No.26437 of 2022

02.07.2024