



W.P.(MD).No.28234 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.28234 of 2024

and

W.M.P.(MD).Nos.23944 & 23945 of 2024

W.Jeyaraj

... Petitioner

-VS-

1. The Accountant General (A&E),
Anna Salai,
Chennai-600 018.

2. The Treasury Officer,
District Treasury Office,
Trichy.

3. The District Educational Officer,
O/o.The District Educational Office,
Trichy-620 017.

4. The Secretary,
Seva Sangam Mahalir Higher Secondary School,
Trichy-620 001.

... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the second respondent vide Mu.Mu.No. 809256/2024/S2 dated 06.09.2024 and quash the same as illegal and consequentially to direct the respondents to disburse the family pension of the deceased employee namely D.Joy along with its arrear.

For Petitioner	: Mr.H.Mohammed Imran for M/s.Ajmal Associates
For Respondent No.2 to 4	: Mr.T.Amjadkhan Government Advocate
For Respondent No.1	: Mr.G.Karthik

ORDER

The instant writ petition has been filed challenging the order passed by the second respondent herein on 06.09.2024, wherein, the request of the petitioner for payment family pension has been rejected on the sole ground that the deceased employee has not made any nomination.

2. A perusal of the records reveal that the petitioner's wife was employed as a Physical Education Teacher in the fourth respondent school and she had attained superannuation on 31.08.2011, and she was reemployed



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till the end of the academic year namely 31.05.2012. After her retirement, she was receiving pension and she had passed away on 23.07.2023. When an application was made by the writ petitioner seeking family pension, the same has been rejected by the second respondent herein on the ground that the pension payment order does not reflect the name of the nominee. This order is put to challenge in the present writ petition.

3. According to the learned Counsel appearing for the writ petitioner, there is no dispute whatsoever that the petitioner is the husband of the deceased employee and has produced the extract of the register of marriages issued by the Church of Episcopal International Diocese Shalem Church of Chirst, Karaikal, dated 16.05.2024, wherein it is recorded that the marriage between the petitioner and the deceased employee had taken place on 22.01.1990. He further contends that merely because nomination column is left blank, the authorities cannot reject the request for family pension. The learned Counsel appearing for the writ petitioner has also relied upon the judgement of this Court reported in **2007(3) CTC 630 J.Kanniga Parameswari vs The Special Commissioner and Commissioner of Treasury and Accounts Office, Panakal Park, Chennai and others** and the order of



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this Court made in W.P.(MD).No.17623 of 2022, dated 09.08.2024, and another order in W.P.No.17173 of 2011, dated 29.11.2023 and contended that even in cases where no nomination is reflected in the pension payment order, the authorities have to release the family pension provided his relationship is not a dispute.

4. Per contra, the learned standing counsel appearing for the first respondent herein had contended that the pension proposals have to be forwarded by the fourth respondent to the third respondent and in turn the third respondent has to forward the same to the first respondent. The first respondent alone is competent to decide about the validity of the pension proposals.

5. In view of the above facts, the impugned order in this writ petition is set aside and the fourth respondent is directed to send a fresh pension proposal with all necessary documents to the third respondent herein within a period of four (4) weeks from the date of receipt of a copy of this order. On receipt of the same, the third respondent is directed to forward the same to the first respondent within a period of eight (8) weeks for disbursement of family



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pension in the light of the judgement cited supra. Thereafter, the first respondent shall proceed to disburse the pension within a period of twelve weeks thereafter.

6. With the above said observations, this writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

13.12.2024

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

To

1.The Accountant General (A&E),
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Chennai-600 018.

2. The Treasury Officer,
District Treasury Office,
Trichy.

3. The District Educational Officer,
O/o.The District Educational Office,
Trichy-620 017.

4. The Secretary,
Seva Sangam Mahalir Higher Secondary School,
Trichy-620 001.

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R.VIJAYAKUMAR,J.

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