



WEB COPY

W.P.Nos.3375 & 3378 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

<i>Reserved on</i>	22.04.2025
<i>Pronounced on</i>	10.06.2025

CORAM :

THE HONOURABLE MR.JUSTICE M.S.RAMESH
AND
THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

W.P.Nos.3375 & 3378 of 2024

D.V.Santhi

...Petitioner in both WPs

Vs.

1.Union of India represented by the
 Senior Divisional Personnel Officer/PGT,
 Divisional Office, Personnel Branch,
 Southern Railway, Palghat – 678 009,
 Kerala.

2.The Assistant Divisional Finance Manager,
 O/o. Sr. Divisional Finance Manager,
 Southern Railway, Palghat – 678 009,
 Kerala.

3.The Registrar,
 Central Administrative Tribunal,
 City Civil Court Complex,
 IInd Floor, High Court Buildings,
 Chennai – 600 104.

...Respondents in both WPs

Prayer in W.P.No.3375 of 2024: Writ Petition filed under Article 226 of
 the Constitution of India praying to issue a Writ of Certiorarified



W.P.Nos.3375 & 3378 of 2024

Mandamus, calling for the records relating to the impugned oral order dated 07.03.2023 made in O.A.No.132 of 2022 issued by the 3rd respondent herein, namely the Registrar, Central Administrative Tribunal, City Civil Court Complex, High Court Buildings, Chennai – 600 104, quash the same as non-est in the eye of law and consequently to allow the O.A.No.132 of 2022.

Prayer in W.P.No.3378 of 2024: 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 oral order dated 07.03.2023 made in O.A.No.493 of 2022 issued by the 3rd respondent herein, namely the Registrar, Central Administrative Tribunal, City Civil Court Complex, High Court Buildings, Chennai – 600 104, quash the same as non-est in the eye of law and consequently to allow the O.A.No.493 of 2022.

(In both WPs)

For Petitioner : Mr.K.S.Govinda Prasad

For R1 & R2 : Mr.ARL.Sundaresan, ASG
assisted by Mr.V.Chandrasekaran

For R3 : Tribunal



W.P.Nos.3375 & 3378 of 2024

COMMON ORDER

WEB COM **M.S.RAMESH, J.**

Both these Writ Petitions have been filed by the divorced daughter of late Shri.S.Villiyappan, who had retired from Railway service and subsequently died on 15.04.2014. Claiming that she is entitled for family pension from 21.06.2014, i.e., the date after her decree of divorce was passed by the competent Court, and that there was an inordinate delay of six years when the arrears of family pension was released on 29.06.2020, she sought for difference of family pension, as well as payment of interest on the belated disbursal of family pension in O.A.Nos.132 of 2022 and 493 of 2022 before the Central Administrative Tribunal, Chennai Bench (hereinafter referred to as 'the Tribunal'). Both the Original Applications were rejected by the Tribunal on 07.03.2023, which orders of the Tribunal, are put under challenge in the present Writ Petitions.

2. Since the grievance of the petitioner and the cause of action are one and the same, both the Writ Petitions are disposed of through a common order.



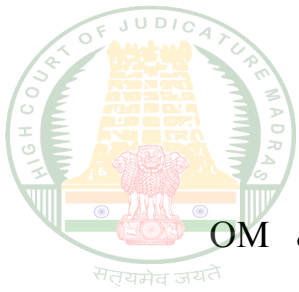
W.P.Nos.3375 & 3378 of 2024

3. Admittedly, the respondents herein had disbursed the difference of the family pension payable to the petitioner herein and as such, the grievance of the petitioner regarding this claim stands redressed.

4.1. With regard to her claim of payment of belated disbursement of arrears of family pension is concerned, certain facts require to be addressed in this case.

4.2. The petitioner's father retired from the post of Chief Goods Clerk on 31.07.1989. Thereafter, he expired on 15.04.2014. The deceased employee's wife had pre-deceased him. The petitioner had filed a divorce petition before the concerned Family Court and the same was pending. In this background, she had given a representation on 12.10.2015, seeking for grant of family pension in her favour. In the meantime, a decree of divorce was granted in her favour on 20.06.2014, which is after the death of the ex-employee.

4.3. As per the regulations of the Railway Board, dated 30.09.2014, a daughter of a retired employee, who obtains a decree of divorce, after the death of the employee, would not be entitled for family pension. Thereafter, the regulations relating to grant of family pension to a divorced daughter was relaxed vide Railway Board circular in DOPT



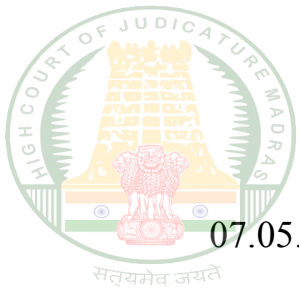
W.P.Nos.3375 & 3378 of 2024

OM & RBE No.102/2017, dated 23.08.2017. As per the revised guidelines, a divorced daughter would be entitled for receiving the family pension from the date of divorce, subject to the condition that the divorce proceedings was filed in a competent Court during the lifetime of the employee/pensioner and the divorce had taken place after the death of the employee/pensioner.

4.4. In view of the revised regulations, the petitioner, whose divorce proceedings was pending when her father died, would be entitled for receiving the family pension from 21.06.2014. By a letter dated 29.12.2017, the respondents had called upon the petitioner to resubmit her applications, in view of the revised policy.

4.5. In the meantime, the petitioner had also filed another application in O.A.No.1526 of 2016 before the Tribunal, seeking for payment of the family pension. The said application came to be disposed of on 29.01.2019 with a direction to the petitioner to carry out certain amendments to her name/father's name and file an affidavit before the respondents, with a consequential direction for disposal of the representation within a stipulated time.

4.6. In this background, the petitioner had filed an affidavit on 14.03.2019 before the respondents and and by an order dated



W.P.Nos.3375 & 3378 of 2024

07.05.2019/13.06.2019, family pension was sanctioned in her favour with effect from 21.06.2014. Consequently, the arrears of the family pension was credited to the petitioner's account on 29.06.2020.

5. From the narration of the aforesaid events, we find that the petitioner's entitlement to receive family pension itself emanated from the revised regulation of the Railway Board dated 23.08.2017. The date of her entitlement, as per the revised regulation, would be from the date of her divorce. From this date of her entitlement, there has been series of events, whereby certain amendments came to be carried out in the petitioner's claim application and directions were given by the Tribunal for consideration of the amended application. The Board has also complied with the directions of the Tribunal and had released the sanction.

6. We do not find any reasonable or unexplained delay in disbursement of the arrears of the family pension, in the light of the events recorded by us. Only in cases where there is an unexplained or inordinate delay, would the petitioner be entitled for payment of interest. The Tribunal had also taken note of these developments and had



W.P.Nos.3375 & 3378 of 2024

recorded that there was no inordinate delay. Thus, we do not find any

reason to interfere with the said orders. Accordingly, both the Writ

Petitions stand dismissed. No costs.

[M.S.R., J] [N.S., J]
10.06.2025

Index: Yes

Neutral Citation: Yes

Speaking order

hvk

To

1. The Senior Divisional Personnel Officer/PGT,
Divisional Office, Personnel Branch,
Southern Railway, Palghat – 678 009,
Kerala.

2. The Assistant Divisional Finance Manager,
O/o. Sr. Divisional Finance Manager,
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and
N.SENTHILKUMAR, J.

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Pre-delivery common order made in
W.P.Nos.3375 & 3378 of 2024

10.06.2025