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W.P.No.5769 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2025

**CORAM
THE HONOURABLE MR. JUSTICE C.KUMARAPPAN**

W.P.No.5769 of 2025

Rasathi

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep.by its Secretary,
Revenue and Disaster Management Department,
Fort St.George,
Chennai - 600 009.
2. The District Collector,
Tirupur District,
District Collectors Office,
Tirupur.
3. Accountant General (A&E),
361, Anna Salai,
Teynampet,
Chennai - 600 018.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, seeking for an issuance of writ of mandamus, to grant family pension, with regard to the pension sanctioned in favor of the petitioner's husband and to direct the 2nd respondent to grant family pension to the petitioner, along with arrears since her husband died.



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W.P.No.5769 of 2020



For Petitioner : Mr.D.Anand Raja

For Respondents : Mr.R.U.Dinesh Rajkumar
Additional Government Pleader for R1 & R2

: Mr.T.Ravikumar for R3

ORDER

The writ petition is filed seeking a mandamus to grant family pension with regard to the pension sanctioned in favor of the petitioner's husband and to direct the 2nd respondent to grant family pension to the petitioner, along with arrears since her husband died.

2. The case of the petitioner is that, the petitioner's husband *viz.*, A.Thangaraj, appointed as Village Assistant in the respondents / Department on 22.09.1959 and he was retired from service on attaining the age of superannuation on 30.06.2006 and he was sanctioned with family pension. Thereafter, the petitioner's husband was died on 14.07.2020. However, the family pension was not sanctioned to the petitioner / wife of the deceased employee. Hence seeks a mandamus to direct the respondents to sanction eligible family pension.



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3. Learned Counsel for the third respondent would submit that the petitioner's husband did not possess required qualifying service, so as to grant family pension. Further he would submit that according to the Tamil Nadu Village Assistants Pension Rules, 1995 family pension is admissible only in case of death of an employee who rendered 10 years of Net Qualifying Service, whereas the petitioner's husband was having Net Qualifying Service of only 8 years 9 months and 17 days. Therefore, the petitioner's husband is not eligible for family pension.

4. The short point to be considered in the present case is that whether the petitioner is eligible for family pension. In this regard, it is appropriate to refer Rule 9 (i) of the Tamil Nadu Village Assistants Pension Rules, 1995 issued vide G.O.(3D).No.9 dated 28.02.2006. For ready reference, the same is extracted hereunder:

"9(i) Family pension at 30% of pay last drawn is admissible only in cases of death after 10 years of qualifying service subject to a minimum of Rs.900/- per month."



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5. According to the above Rule, if an employee is having Net Qualifying Service of 10 years, then his family is eligible for 30% of last drawn pay or minimum of Rs.900/- p.m. In this regard, the third respondent has filed a counter statement by stating that the petitioner's husband is having only net qualifying service of 8 years, 9 months and 17 days. Though the petitioner's husband has rendered continuous service for about 40 years, the counter statement filed by the third respondent, who is the Authority to maintain Service Register of the petitioner's husband stated that the petitioner's husband is having net qualifying service of 8 years, 9 months and 17 days. Paragraph No.3 (a) and (b) of the counter affidavit is extracted hereunder:

".....

3. The brief facts of the case are presented below:

a. The service particulars of Shir A.Thangaraj, stand as follows:

Served as part-time Village Assistant : Prior to
01.06.1995

Served as full-time Village Assistant : 01.06.1995 till his
retirement on 30.06.2005

Date of superannuation : 30.06.2005

b. Shri.A.Thangaraj retired on attaining the age of
superannuation on 30.06.2005 after rendering a Net Qualifying



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Service of 8 years 9 Months and 19 Days, as regular Village Assistant for the period from 01.06.1995 to 30.06.2005(excluding the non-qualifying service by way of extraordinary leave for 1 Year 3 Months and 13 Days)

....."

6. Therefore, in view of Rule 9 (i) of the Tamil Nadu Village Assistants Pension Rules, 1995, the petitioner is not eligible for family pension. Hence, this Court do not find any merits in the instant Writ Petition and accordingly, stands dismissed. No costs.

04.07.2025

veda

Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation:Yes/No

To

1. The State of Tamil Nadu,
Rep.by its Secretary,
Revenue and Disaster Management Department,
Fort St.George,
Chennai - 600 009.
2. The District Collector,
District Collectors Office,
Tirupur District,
Tirupur - 641 604.



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C.KUMARAPPAN, J.

veda

3. Accountant General (A&E),
361, Anna Salai,
Teynampet,
Chennai - 600 018.

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