



W.P.NO.6387 OF 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2025

CORAM

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.NO.6387 OF 2024

Tmt.A.Faritha Begam

... Petitioner

VS.

1.Branch Officer

O/o. The Principal Accountant General (A&E)

Tamil Nadu,

No.361, Anna Salai, Chennai – 600 018.

2.The Treasury Officer

District Treasury Office

Cuddalore – 607 001.

3.The Assistant Director (General)

Survey and Land Record Department

Cuddalore.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus, to call for the records relating to the order passed by the 1st respondent in PAG A&E/PEN29/2/PT-58638/PPO /FA521959/48225 dated 23.01.2023, quash the same and direct the respondents to extend the pension benefits to the petitioner with arrears from January 2010 to till date.



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For Petitioner : Mr.S.Doraisamy
for Mr.V.Elangovan

For Respondent-1 : Ms.G.Vardini Karthik
Standing Counsel

For Respondents : Mr.V.Nanmaran
2 & 3 Additional Government Pleader

ORDER

This Writ Petition has been filed in the nature of a Certiorarified Mandamus, seeking records relating to an order passed by the first respondent dated 23.01.2023 and quash the same and direct the respondents to extend the pension benefits to the petitioner, together with arrears from January 2010 to till date.

2.In the affidavit filed in support of the writ petition, it had been contended that the husband of the petitioner was appointed as Field Survey Assistant in the third respondent office on 05.03.1982. Unfortunately, he died on 04.06.1995 while in service. After the death of the husband, the petitioner was paid with monthly pension on and from 05.06.1995. Thereafter, the respondents stopped paying the monthly



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pension, without assigning any reason on and from December 2009. In January 2022, one half of the monthly pension was paid. It was further stated that the petitioner was informed that the pension would be restored if half of the monthly pension previously paid was returned. The petitioner also complied and returned the said amount. Since then, the petitioner has made several representations, but the respondents have not restored the family pension.

3.This Court had directed the appearance of the first respondent before this Court, who had also appeared on 25.03.2025. An affidavit was sought to be filed giving reasons why family pension was suddenly stopped ,particularly when there is no dispute about the fact that the petitioner is the wife of the deceased employee. It had been orally contended that the petitioner's son Azaruddin has filed a Civil Suit No.23/2004 before the District Munsif cum Judicial Magistrate, Neyveli seeking an injunction restraining the respondents from disbursing the family pension to the petitioner.



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4.The decision of the respondents to withhold the pension on the basis of the said issue is unreasonable. It is important to note that only the widow is entitled to receive the family pension. The respondents have failed to note that the petitioner's relationship with her husband should continue to be the basis for paying the family pension. The act of stopping the family pension and failing to restore it, based on the Suit filed by the son who cannot claim any right to the family pension, must be condemned by this Court. However, let the matter rest. The family pension should be restored to the petitioner herein.

5.A direction is issued to the respondents that the family pension must be restored to the petitioner and the arrears from January 2010 must also be paid to the petitioner, within a period of two months from the date of receipt of a copy of this order. If there is an increase in the family pension, corresponding benefits must also be extended to the petitioner.

6.The writ petition stands allowed. It is hoped that the respondents will comply with the directions and release the family



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pension and not invite the petitioner to file a contempt petition for non-compliance of the order of this Court. The respondents are also liable to pay interest, as the reason for withholding the family pension does not withstand scrutiny by this Court. No costs.

04.04.2025

Index : Yes / No
Neutral Citation : Yes / No
Speaking Order : Yes / No
TK

To

1.Branch Officer
O/o. The Principal Accountant General (A&E)
Tamil Nadu,
No.361, Anna Salai, Chennai – 600 018.

2.The Treasury Officer
District Treasury Office
Cuddalore – 607 001.

3.The Assistant Director (General)
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C.V.KARTHIKEYAN, J.

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