



W.P.(MD).No.800 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.800 of 2025

Jayalakshmi

... Petitioner

Vs

The Superintending Engineer,
TamilNadu Water Supply and Drainage Board,
Tirunelveli Kanyakumari Circle,
Tirunelveli.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to impugned order passed by respondent in his Letter No. 2088/KP./E5/2024/TTK/TL dated 04.12.2024 and quash the same as illegal and consequently direct the respondent to disburse the full family pension to the petitioner.

For Petitioner

: Mr.A.Sivasubramanian

For Respondent

: Mr.R.Satheesh
Standing Counsel



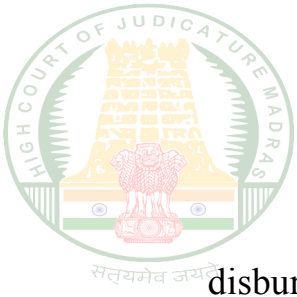
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ORDER

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The instant writ petition has been filed by the wife of a deceased employee seeking to disbursement of 100% family pension to her on the ground that other sharer of family pension has already attained majority.

2. According to the learned Counsel appearing for the writ petitioner, one Vanamoorthy was employed as a watchman in the respondent office and he passed away on 01.11.2000 while he was in service. Thereafter, there was a dispute in receiving family pension. One Selvalakshmi and her children filed a suit in O.S.No.433 of 2000 on the file of Principal District Munsif Court, Srivilliputhur as against the writ petitioner and two of her minor children and the mother of the deceased employee and other officials seeking the relief of declaration that the plaintiffs alone are the legal heirs of the deceased Vanamoorthy and seeking disbursement of death cum terminal benefits to her and restraining the officials from disbursing any benefits to the writ petitioner and her minor children. The learned Principal District Munsif, Srivilliputhur had decreed the suit on 23.09.2005 and declared that the both the children of Selvalakshmi are the legalheirs of the deceased Vanamoorthy and granted permanent injunction restraining the official respondents from



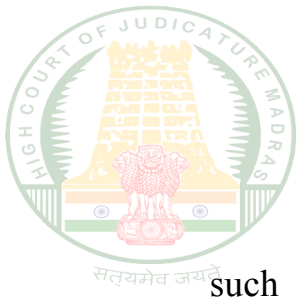
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disbursing the entire death benefits to the writ petitioner and other defendants. The Trial Court has further pointed out that the third plaintiff in the said suit namely minor Kalirajan is entitled to get 50% of family pension until he reaches the age of majority.

3. According to the learned Counsel appearing for the writ petitioner, the said third plaintiff namely Kalirajan was born on 19.01.2000 and he has reached age of 25 and therefore he has not entitled to get 50% of family pension and the petitioner has sent a representation to the authorities on 25.11.2024 to cancel the said 50% family pension to the Kalirajan and pay 100% of family pension to her. Based on the said request, the present impugned order has been passed on 04.12.2024. This order is put to challenge in the present writ petition.

4. According to the learned Counsel appearing for the writ petitioner, she is the legally wedded wife of the deceased Vanamoorthy and the said Kalirajan was the illegitimate son born through the second wife and he was receiving 50% of family pension till his age of 25 and therefore, he is not eligible to receive family pension as per the TamilNadu Pension Rules. In



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such circumstances, 50% of family pension granted to him should be cancelled and the petitioner may be permitted to receive 100% of family pension.

5. The learned Standing Counsel appearing for the respondent would submit that they would consider the request of the petitioner in the light of the pension rules and pass orders as early as possible.

6. Considering the above said facts, the respondent herein is directed to verify the age of Kalirajan who was receiving 50% of family pension. In case he is not eligible as per pension rules, then the respondent is directed to disburse 100% of family pension to the writ petitioner and pass orders within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above said observations, this writ petition is disposed of.

No costs.

30.01.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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The Superintending Engineer,
TamilNadu Water Supply and Drainage Board,
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R.VIJAYAKUMAR,J.

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