

W.P.(MD) No..2972 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.02.2025

CORAM:

THE HONOURABLE Mr.JUSTICE BATTU DEVANAND

W.P.(MD)No.2972 of 2025

A.V.Jerald

Rep.by his Brother/Care Giver A.V.Tharsius

... Petitioner

Vs.

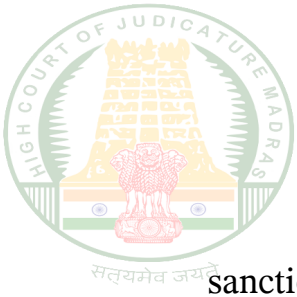
1. The Principal Accountant General(A & E),
No.361, Anna Salai, Teynampet,
Chennai 600 018

2. The District Forest Officer,
Office of the District Forest,
Kanyakumari Division,
Nagercoil – 629 001.

3.The Treasury Officer,
District Treasury,
Tirunelveli District – 627 009

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India,
praying for issuance of Writ of Mandamus, directing the respondent to



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sanction the family pension to the petitioner within the time frame to be fixed by this Court.

For Petitioner	: Mr.A.Dharani
For R1	: M/s. S.Mahalakshmi
	Standing Counsel
For R2 & R3	: Mr.P.Subbaraj
	Special Government Pleader

ORDER

This Writ Petition has been filed seeking a writ of mandamus directing the first respondent to sanction the family pension through the third respondent to the petitioner within a time frame to be fixed by this Court.

2.Heard the learned counsel for the petitioner, the learned Special Government Pleader appearing for the respondents 2 and 3 and the learned Standing Counsel appearing for the respondent No.1 and perused the materials available on record.

3.The case of the petitioner is that the father of the petitioner

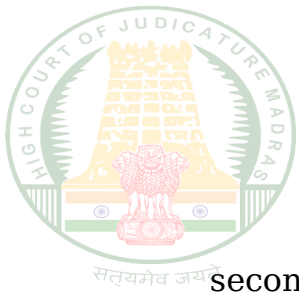


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one A.Varuvel, who was working as the Forester under the control of District Forest Officer, the District Forest Office at Kanyakumari District, was ceased from service on 19.07.1982. During his life time, he received pension. He died on 17.11.1998. Thereafter, the petitioner's mother Maria Rose was receiving family pension. She also died on 15.01.2016. The petitioner is mentally retarded person. There is no independent source of income to meet his medical expenses of Rs.10,000/- per month. He made a representation seeking family pension to the second respondent by enclosing all the requisite documents. Thereafter, the second respondent forwarded the family pension proposal to the first respondent but there is no action from the first respondent. Under these circumstances, he approached this Court by filing this writ petition through his Care Giver A.V.Tharsius.

4. The learned Special Government Pleader appearing for the respondents 2 and 3 would submit that the proposal for family pension was sent by the second respondent to the first respondent on 10.12.2024 enclosing the requisite documents. The learned Special Government Pleader on instructions would further submit that on examination of the proposal dated 10.12.2024 sent by the



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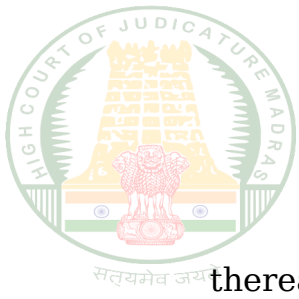
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second respondent, the first respondent instructed the second respondent vide a letter dated 03.02.2025 to furnish the income certificate of the petitioner issued by the revenue authorities duly countersigned by the Department where the Government servant last served.

5. The learned Standing Counsel appearing for the first respondent has placed a copy of the said letter for perusal. She further contends that after receipt of income certificate as sought in the letter dated 03.02.2025, the proposal to grant family pension to the petitioner will be considered.

6. I have heard the submissions of the respective counsels and perused the materials available on record.

7. Admittedly, the petitioner is suffering from intellectual disability since his birth as per the certificate issued by the Department of Psychiatry, Tirunelveli Medical College, dated 12.09.2024. It is also an admitted fact that the petitioner's father had worked in the Forest Department and got pension during his life time and thereafter, his mother received family pension and



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thereafter she also died. After the demise of his mother, the petitioner is entitled for family pension as he has no independent source of income to meet medical expenses and to survive himself.

8. It is also an admitted fact that the second respondent considering the representations of the petitioner sent a proposal dated 10.12.2024 to the first respondent for family pension to the petitioner along with the letter dated 10.12.2024. The second respondent enclosed requisite documents. One of the document is "disability certificate" issued by the Department of Psychiatry, Tirunelveli Medical College dated 12.09.2024, wherein it is clearly stated that the petitioner is suffering intellectual disability since his birth.

9. Now the stand of the first respondent is that for considering the proposal sent by the second respondent to sanction family pension to the petitioner, income certificate of the petitioner is required and to that effect, the first respondent sent a letter dated 03.02.2025 to the second respondent. On perusal of the said letter, it is seen that income certificate of the petitioner, who is suffering intellectual disability since his birth as certified by the competent



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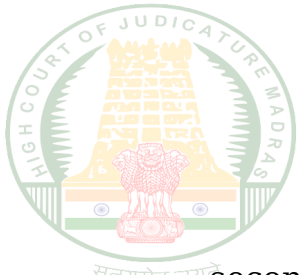
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Doctor, is sought. In my view, the first respondent issued the letter dated 03.02.2025 insisting for production of income certificate of the petitioner with non-application of mind. The first respondent, who is vested with important statutory functions, has to apply his mind in fair manner. None can expect there would be any income to the person, who is suffering intellectual disability since his birth. This Court is placing its displeasure and anguish towards the letter dated 03.02.2025 issued by the first respondent. This Court also intends to advice the first respondent to discharge his duties with human outlook instead of technicalities.

8. In view of the facts and circumstances of the case, this Court holds that the petitioner is entitled for family pension. This Court is inclined to issue a direction to the first respondent to accept the proposal of the second respondent and to grant family pension to the petitioner forthwith to meet the ends of justice.

9. Accordingly, this Writ Petition is allowed with following directions:

i) The first respondent is directed to sanction the family pension to the petitioner forthwith as per the proposal sent by the



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second respondent dated 10.12.2024;
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ii) On receipt of the order of sanction of family pension to the petitioner, the third respondent shall take steps to disburse family pension every month to the petitioner without fail.

There shall be no order as to costs.

10.02.2025

NCC : Yes/No
Index: Yes/No
Internet : Yes
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To

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BATTU DEVANAND, J.

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