



W.P.(MD)No.8461 of 2025

WEB COPY **BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

RESERVED ON : 22.10.2025

DELIVERED ON : 28.11.2025

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD)No.8461 of 2025

and

W.M.P.(MD)No.6320 of 2025

N.S.Chandrasekaran

... Petitioner

vs.

1.The State of Tamilnadu,
represented by the Principal Secretary -
Commissioner of Revenue,
Administration and Disaster Management,
Chepauk, Chennai – 600 005.

2.The Senior Accounts Officer (Pension-29) /
Accountant General (A & E, Tamilnadu),
361, Anna Salai, Chennai – 600 018.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned proceedings issued by the 2nd respondent vide No./Accounts (A&E) Tamilnadu/Chennai vide No.PAD/A&E/P29/5/CPGRAMS/24-25/14501,



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dated 12.07.2024 and to quash the same as illegal and unconstitutional and consequently, directing the 2nd respondent to pay the family pension to the petitioner's brother, namely, N.S.Chandrasekaran under the category of Physically Crippled Son from out of the pension eligibility of his father Late Mr.N.S.Subramanian vide PDO No.A1100352 within time frame.

For Petitioners :Mr.K.Ravi Anantha Padmanabhan
Senior Counsel for Mr.A.R.Kannappan

For R1 : Mr.M.Sidharthan
Additional Government Pleader

For R2 :Mr.P.Gunasekaran
Standing Counsel

ORDER

This writ petition has been filed challenging the proceedings issued by the second respondent in proceedings No./Accounts (A&E) Tamilnadu/Chennai vide No.PAD/A&E/P29/5/CPGRAMS/24-25/14501, dated 12.07.2024 and to direct the second respondent to pay the family pension to the petitioner's brother, namely, N.S.Chandrasekaran, under the category of Physically Crippled Son from out of the pension eligibility of his father, late.Mr.N.S.Subramanian, vide PDO No.A1100352.



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2.The learned Senior Counsel appearing for the petitioner would submit that the petitioner is a physically disabled person and the writ petition itself had been filed by his brother on his behalf. The petitioner while doing his Graduation in Engineering at REC Durgapur was transferred to REC Trichy due to the disability that he had suffered. Thereafter, he had been a dependant for nearly three decades of his father, who had superannuated from the Revenue Department on 31.05.1983.

3.He would further submit that the petitioner's father had also nominated the petitioner to receive his service benefits as well as the family pension. The pension payment order was also altered in the name of the petitioner, entitling him to receive the family pension even during the life time of his father. The first respondent had also proposed to the second respondent to include the name of the petitioner for family pension, based upon the deceased employee's request and the petitioner's name has also been included. He would further submit that a medical certificate to that effect has also been issued by the Rajaji Government Hospital, Madurai.



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4.He would further submit that pursuant to the petitioner's name being included in the pension payment order, the petitioner had been sanctioned with Rs.50,000/- by way of financial assistance under the Tamil Nadu Government Pensioners Family Security Fund Scheme. However, the family pension payable to the petitioner had not been paid. The petitioner had also applied under the Right to Information Act, which evinced no response and hence, on 24.10.2024, the petitioner had also addressed a representation to the Office of the second respondent. A communication had been received by the second respondent indicating that as per Rule 49 of the Tamil Nadu Pension Rules, family pension is not admissible to a handicapped children, if the man handicapped is manifested after attaining the age of 25 years and had also called upon the petitioner to give a disability certificate mentioning the date of manifestation of the deceased. That apart, the petitioner was called upon to produce the certificate indicating that there is no income to the petitioner. Hence, the same had been challenged by the petitioner in this writ petition.



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5.The learned Standing Counsel for the second respondent, whose order has been impugned in this writ petition, would submit that Rule 49 of the Tamil Nadu Pension Rules envisages that disability should have occurred in the dependant of the family member before attaining the age of 25 years. As the Rule envisages that if the dependant is unable to make any earning even after attaining the age of 25 years, then the family pension could be given to him. Therefore, the petitioner, whose name was included at the age of 41 by way of family pension order, would have been necessarily produced the medical certificate evidencing that there has been a manifestation even before attaining the age of 25 years.

6.That apart, he would submit that it is the duty of the petitioner to also produce the certificate that he does not have any other income for grant of family pension. Under the impugned order, the same had been only sought for from the petitioner and non-failure of the petitioner to produce those certificates would not entitle him for any relief in this writ petition. Hence, he prays this Court to dismiss the Writ Petition.



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7.The learned Additional Government Pleader appearing for the first respondent would submit that it is true that the petitioner's name had been included by an authorization issued by the Office of the Principal Accountant General (A&E), Tamil Nadu, dated 25.04.2013. He would further submit that the petitioner had been directed to produce various records for considering his claim for family pension and the same is yet to be submitted. Once such documents are submitted, the Department could consider his claim on eligibility and thereafter, proceed in accordance with law.

8.I have considered the submissions made by the learned counsel on either side.

9.The petitioner claims to have suffered disability in the year 1997. During the life time of his father, he had taken steps to include the name of the petitioner for grant of family pension, whereupon, he had been called upon to produce the medical certificate in that regard. A medical certificate had also been issued on 12.03.2013 indicating that the petitioner is suffering from Progressive Muscular



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Dystrophy and Physically Disabled, so as to render him unable to earn a living.

Based upon the said certificate, the Office of the Principal Accountant General (A&E), Tamil Nadu, had issued an authorization to include the name of the petitioner with a remark that his entitlement would arise only when the eventuality of his right to claim the family pension arises, which would arise only after the death of the pensioner. He had also been benefited payment of Rs. 10,000/- as a Welfare Scheme Measure by order of the Government on 08.03.2016 ie., after the death of the pensioner.

10.A reading of the incorporation of the petitioner's name in the pension book would also indicate that he was entitled for family pension from the date of death of the deceased. Having included the name of the petitioner in the family pension book to get such family pension as early as in the year 2013, the respondents cannot now again harass the petitioner to produce documents evidencing the manifestation of disability before attaining the age of 25 years. Even in the medical certificate that was granted in the year 2013, when an order was passed to include the name of the petitioner, it could be seen that a certificate had been given that he would be unable to earn a living. The petitioner cannot be



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driven from pillar to post, when already as early as in the year 2013, orders have been issued to include the name of the petitioner as being entitled to receive the family pension when the eventuality arises, namely, the death of the employee or his widow.

11.For the aforesaid reasons, the impugned proceedings issued by the second respondent vide No./Accounts (A&E) Tamilnadu/Chennai vide No.PAD/A&E/P29/5/CPGRAMS/24-25/14501, dated 12.07.2024, is quashed and as a sequel, the petitioner is directed to produce the legal heirship certificate of the deceased Government Servant/his father and also the death certificate of his mother, namely, the wife of the deceased employee, within a period of two weeks from the date of receipt of a copy of this order. On such production of such documents, without insisting the medical certificate as claimed by them and the income certificate, the respondents are directed to consider the claim of the petitioner and disburse the family pension to him together with arrears from the date of the death of the deceased employee or his widow as applicable in the case, within a period of 8 weeks from the date of filing of the documents as indicated supra.



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No costs. Consequently, connected Miscellaneous Petition is closed.

Speaking : Yes / No
Internet : Yes / No
Index : Yes / No
NCC : Yes / No

28.11.2025

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To

1.The Principal Secretary -
State of Tamilnadu,
Commissioner of Revenue,
Administration and Disaster Management,
Chepauk, Chennai – 600 005.

2.The Senior Accounts Officer (Pension-29) /
Accountant General (A & E, Tamilnadu),
361, Anna Salai, Chennai – 600 018.



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K.KUMARESH BABU, J.

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Order Order made in
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