



W.P.(MD)No.8848 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.04.2025

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

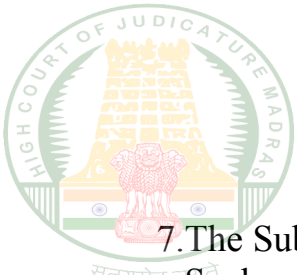
W.P.(MD)No.8848 of 2025

Antonyammal

... Petitioner

Vs.

- 1.The Principal Accountant General (A and E),
361, Annasalai, Rostrevor Garden,
Teynampet,
Chennai - 600018.
- 2.The Director of Treasuries and Accounts,
361, Annasalai, Rostrevor Garden,
Teynampet, Chennai - 600018.
- 3.The District Treasury Officer,
Tenkasi District,
Tenkasi.
- 4.The Chief Educational Officer,
Tenkasi District,
Tenkasi.
- 5.The District Elementary Educational Officer,
Tenkasi,
Tenkasi District.
- 6.The Block Educational Officer,
Melaneelidanallur,
Tenkasi District.



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7.The Sub Treasury Officer,
Sankarankovil,
Tenkasi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to include the name of petitioner's physically challenged son, Mr.Amala Suresh, aged about 45 years, in the pension records as an eligible beneficiary for the family pension after demise of petitioner, within the time frame fixed by this Court.

For Petitioner : Mr.S.Balamurugan

For R1 : M/s.S.Mahalaksmi
Standing Counsel

For R2 to R7 : Mr.T.Amjad Khan
Government Advocate

ORDER

This writ petition has been filed seeking a direction to the respondents to include the name of the petitioner's physically challenged son, Amala Suresh, in the pension records as an eligible beneficiary for the family pension after demise of the petitioner, within a time frame fixed by this Court.

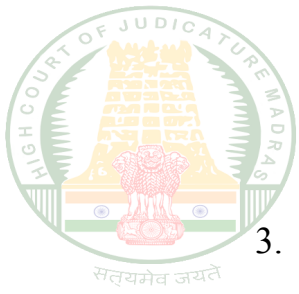
2. The petitioner's husband, namely, Late.Mr.Irudhayaraj, who worked as Head Master at Panchayat Union Elementary School died on 10.10.2019. After



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the petitioner's husband demise, the petitioner is getting family pension. The

petitioner blessed with six children (4 daughters and 2 sons). Out of two sons, one son, namely, Amala Suresh, has been suffering with 80% physical disability since his birth. The case of the petitioner is that all their children are married and settled separately. Her son Amala Suresh also got married on 12.09.2010. But his wife deserted him in the year 2016 due to his disability after giving birth to two female children. Thereafter, both got divorced from the competent Court of law. The said Amala Suresh is wholly dependent on the petitioner and both are surviving with the family pension being received by the petitioner. It is the further contention of the petitioner that as a widow of the deceased Government Servant, she is receiving family pension. Considering her old age and dependency of her physically challenged son, she is ensuring to continue family pension to her son after her demise. Accordingly, she submitted a representation to the respondents on 31.12.2024 requesting to include her son's name in the pension records as an eligible beneficiary. But it was not considered. Against the inaction of the respondents in considering the same, the present writ petition is filed.

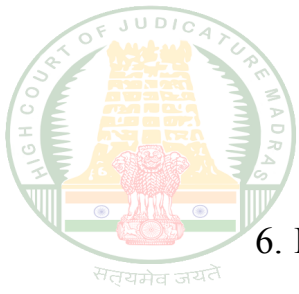


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3. The learned counsel for the petitioner would submit that under Rule 49(6)(iii) of the Tamil Nadu Pension Rules, 1978, it is specified that a son or daughter suffering with disability that renders them unable to earn a livelihood is entitled to receive family pension for life.

4. The learned Standing Counsel for the first respondent would submit that at this stage the first respondent has no role to consider the request of the petitioner. The learned Standing Counsel further contends that the sixth respondent is the competent authority to consider the request of the petitioner and she has to send proper proposal through the fourth respondent to the first respondent. After receipt of the same, it will be considered by the first respondent in accordance with the relevant Rules, if the requests of the petitioner is permissible under law.

5. The learned Government Advocate for the respondents 2 to 7 would submit that the representation of the petitioner, dated 31.12.2024 will be considered by the competent authority in accordance with law and proper proposals will be sent by following due process of law.

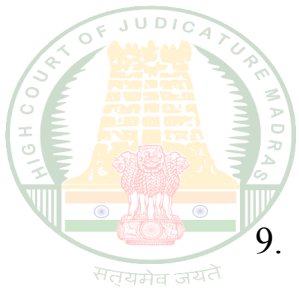


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6. Heard the learned counsel for the petitioner, learned Standing Counsel for the first respondent and the learned Government Advocate for the respondents 2 to 7 and perused the materials available on record.

7. Considering the submissions made by the respective learned counsels and it is an admitted fact that the petitioner is getting family pension after the demise of her husband, who worked as Head Master. One of her son by name, Amala Suresh is suffering with 80% disability. He is completely surviving with the support of the petitioner. The petitioner apprehends that after her demise there will be no source for her son for survival. Accordingly, by invoking Rule 49(6)(iii) of the Tamil Nadu Pension Rules, 1978, the petitioner submitted a representation to the respondents on 31.12.2024 with a request to include her son's name in the pension records as an eligible beneficiary. It is under consideration before the respondents.

8. Under these circumstances, in my considered view, it is appropriate and reasonable to dispose of this writ petition with the following directions in the interest of justice.



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9. Accordingly, this writ petition is disposed of with the following

WEB ~~CONF~~ directions:

1. The sixth respondent shall consider the representation of the petitioner, dated 31.12.2025⁴ in accordance with the relevant Rules and send proposals to the first respondent through the fourth respondent, if the petitioner's requests is permissible under the relevant Rules within a period of two weeks from the date of receipt of a copy of this order.

2. On receipt of the proposal from the sixth respondent, the first respondent shall take appropriate decision and inform the same to the petitioner within a period of six weeks thereafter.

3. It is made clear that if any further documents are required to consider the request of the petitioner to send proposal, the sixth respondent shall inform the same to the petitioner before passing any order on the representation, dated 31.12.2024.

No costs.

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NCC:yes/no
Index:yes/no
Internet:yes/no
Sn



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BATTU DEVANAND, J.

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