



W.P.(MD)No.11218 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.04.2025

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THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.11218 of 2025

Backiya Seeli

... Petitioner

Vs.

1. The Secretary to Government,
Finance (Pension Department),
Fort St. George,
Chennai-600 009.

2. The Principal Accountant General (A&E),
361, Anna Salai,
Teynampet, Chennai-600 018.

3. The Thalavai,
TamilNadu Special Task Force,
9th Battalion, Manimutharu,
Tirunelveli District.

4. The Treasury Officer,
District Treasury,
Trichy District-620 001.

5. The Tahsildar,
Trichy East,
Trichy District.

... Respondents



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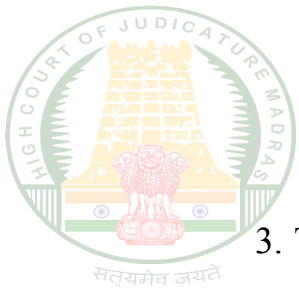
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the third respondent to process his application for family pension dated 31.10.2023 and direct the respondents to disburse the family pension in favour the petitioner and thereby considering his representation dated 27.03.2025.

For Petitioner	: Mr.T.Anonty Arulraj
For Respondent Nos.1 & 4	: Mr.T.Amjad Khan Government Advocate
For Respondent No.2	: Mr.G.Karthick

ORDER

Heard, the learned Counsel for the petitioner, Mr.T.AmjadKhan, learned Government Advocate appearing for the Respondent Nos.1 & 4 and Mr.G.Karthick, the learned Standing Counsel appearing for the Respondent No.2 and carefully perused the materials available on record.

2. The case of the petitioner is that her husband namely Mr.T.Antony Samy who was worked as Sanitary worker in the third respondent department, retired from service on 30.06.2000. He passed away on 08.09.2023, leaving behind the petitioner as his only legal heir. After his retirement, during his lifetime, he got service pension. After his demise, the petitioner made an application for family pension.



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3. The learned Counsel for the petitioner submits that being the wife and only legal heir of the deceased employee, she is entitled for the family pension.

Accordingly, she made an application on 02.11.2023, seeking for family pension. But, it was rejected by the fourth respondent vide communications dated 21.11.2023 & 22.11.2023, on the ground that her husband name in the service register maintained by the second respondent was mentioned as T.Antony, whereas, in other legal documents such as Aadhar Card, Family Card including the death certificate, her husband's name was mentioned as T.Antony Samy.

4. Thereafter, she submitted a representation to the third respondent on 27.11.2023, wherein, she was instructed to get "both are one certificate" from the concerned Village Administrative Officer by communication dated 07.12.2023. The petitioner submitted an application to the revenue department along with all relevant documents. Thereafter, the fifth respondent has issued a certificate stated that Mr.T.Antony and T.Antony Samy are one and the same person. Thereafter, the petitioner submitted a representation to the respondents, enclosing the certificate issued by the fifth respondent on 27.03.2025 and the same was also duly received by the respondents. But, till date the respondents



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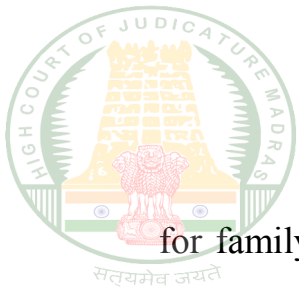
did not take any action to disburse the family pension to the petitioner.

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Aggrieved by the in action of the respondents, in considering her application for family pension, the petitioner is constrained to approach this Court by filing this present writ petition.

5. The learned Government Advocate appearing for the Respondent Nos. 1 & 4, on instructions would submit that the representation of the petitioner dated 27.03.2025, for granting family pension, is under consideration. He further submits that there is some discrepancy in the name of the petitioner's husband, mentioned in the legal documents submitted by the petitioner and in the service register of the husband of the petitioner. The respondents instructed the petitioner to get certificate from the fifth respondent, as per the said instruction, the petitioner now submitted the certificate. Now, the claim of the petitioner will be considered in due course.

6. Considering the facts and circumstances of the case, admittedly, the petitioner is the wife of the one deceased T.Antony Samy, who worked as Sanitary worker in the third respondent Department and she is the only legal heir of the deceased T.Antony Samy. As per the relevant rules, she is entitled

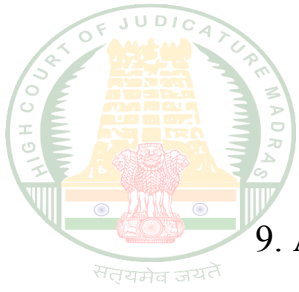


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for family pension after the demise of her husband. It appears that due to the discrepancy in the name of her husband, appeared in the service register and other documents. Therefore, the respondents insisted the petitioner to get certificate from the fifth respondent and accordingly the petitioner has also obtained certificate from the fifth respondent and submit the same to the respondents on 27.03.2025.

7. In view of the above factual position, now there would be no difficult to the respondents to grant family pension to the petitioner by considering her application dated 31.10.2023. But, keeping the said application pending will cause irreparable loss and hardship to the petitioner who is a 79 years old widow. This court can't expect from the respondents to move the petitioner from pillar to post for family pension at this old age.

8. For the aforesaid reasons, this writ petition can be allowed with a direction to the fourth respondent to forward the family pension proposal to the second respondent. On receipt of the same, the second respondent shall sanction family pension to the petitioner without any delay.



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9. Accordingly, this writ petition is allowed with a direction to the fourth respondent to forward the family pension proposal to the second respondent forthwith. On receipt of the same, the second respondent shall sanction family pension to the petitioner without any delay. However, the respondents shall take steps to disburse the family pension to the petitioner from the month of May 2025 onwards with all arrears.

There shall be no order as to costs.

22.04.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
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BATTU DEVANAND, J.

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