



W.P.(MD) No.8676 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

W.P.(MD) No.8676 of 2019

K.Muthatchi Ammal

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Petitioner

Vs

1 The Senior Accounts Officer,
O/o. the Principal Controller of Defence Accounts (Pension),
Draupadighat,
Allahabad,
Uttar Pradesh.

2 The Senior Record Officer,
Madras Engineer Group,
C/o. 56, APO,
Bangalore - 900 493

3 The Assistant Director Of Ex-Servicemen Welfare,
Thoothukudi District.

...

Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of certiorarified mandamus, to call for the records relating to the Impugned Order passed by the 2nd respondent, dated 21.09.2017, in Office No.14278/Temp/Pen(f)/08, quash the same and direct the 2nd respondent to forward the family pension proposal of the petitioner without further delay to the 1st respondent, de hors any other documents.



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For Petitioner : Mr.P.Senthur Pandian

For Respondent 3 : Mr.G.V.Vairam Santhosh,
Addl. Govt. Pleader.

ORDER

Under assail is the order, dated 21.09.2017, passed by the Senior Record Officer, Madras Engineer Group, Bangalore.

2. The case of the writ petitioner is that her father was working as Havildhar under the second respondent. Her father was discharged from defence service on 14.08.1947 and he died on 27.12.1988. After his death, the petitioner's mother received family pension. The petitioner's husband also died within one year of their marriage. The petitioner's mother, while receiving family pension, died on 25.11.2014. The Central Government issued a Circular, dated 06.09.2007, as per which the unmarried daughter, widowed daughter and divorced daughter of the ex-servicemen are entitled to family pension. The petitioner prepared a family pension proposal and sent it to the second respondent along with necessary and essential documents, vide her letter, dated 05.07.2017. The second respondent, in order to drag on the matter, for the reasons best known to him, passed the order impugned, dated 21.09.2017, necessitating the petitioner to send certain documents. Hence, this Writ Petition.



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3. Learned counsel appearing for the petitioner would submit that as per Government of India Circular1-19/03-P&PW(E)/Ministry of Personnel, P.G. Pension, dated 06.09.2007, the petitioner had prepared a family pension proposal along with relevant documents and forwarded the same to the second respondent, but, without considering the same, the impugned order came to be passed. He would further submit that Birth Certificate and Marriage Certificate were not at all necessary, since the legal heir certificate was already submitted by the petitioner. He, accordingly, prayed to quash the impugned order and to direct the second respondent to forward the family pension proposal of the petitioner to the first respondent, without further delay.

4. I have heard the learned Additional Government Pleader, appearing on behalf of the third respondent.

5. The order impugned, dated 21.09.2017, passed by the second respondent, would go to show that certain documents were sought for vide Office letter, dated 17.03.2017, which were mandatory for publication of birth of children, after death of veteran. Therefore, the petitioner was requested, vide the order impugned, to forward the following documents through Zilla Sainik Welfare Office concerned, for further action. The order impugned reads as under :



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**"FAMILY PENSION TO WIDOWED DAUGHTER IN RESPECT OF
NO.14278 EX HAV LATE POTHIKANNU PILLAI**

1. Refer to your petition dated 04 Sep 2017.

2. In this connection, it is intimated that the documents as asked for vide this office letter No.3151/Gen/Pen(f)612 dated 17 Mar 2017 are mandatory for publication of birth of children after death of veteran. Hence, you are requested to forward the following documents through your concerned Zilla Sainik Welfare Office to this office for our further action :-

(a) Your Birth Certificate obtained from Registrar of Birth and Death/Municipal Corporation/Pradhan Grama Panchayat.

(b) Your Marriage Certificate obtained from Registrar of Marriage/Municipal Corporation/Pradhan Gram Panchayat.

(c) Fresh Legal heirship certificate obtained duly mentioned your marital status as widow.

(d) Income Certificate for the financial year 2007-08 to 2016-17 obtained from Tehsildar/Revenue Officer as per format attach.

(e) It is intimated that in service documents of your late father, your mother's name has been recorded as SOLLAMTHAMMAL whereas in death certificate mentioned different. Hence, your are requested to forward Name Variation Affidavit obtained from Magistrate/Notary.

(f) Investigation report for inordinate delay and genuineness certificate duly countersigned by your Zilla Sainik Welfare Office with recommendation for publication of Part-II Order and an Affidavit sworn before 1st Class Magistrate/Notary.



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(g) Non employment certificate issued by Village Administrative Officer.

3. Further action will be intimated/initiated on receipt of above documents."

6. Learned counsel appearing for the petitioner would submit that Birth Certificate and Marriage Certificate were not at all necessary to forward the pension proposal of the petitioner.

7. This Court is of the view that the order impugned has sought for certain documents for forwarding the family pension proposal of the petitioner to the authority concerned. There is no reason to interfere with the order impugned, as the same cannot be construed as an order and does not affect/infringe the rights of the petitioner. It is for the authorities concerned to call for what are all the documents that are necessary to process the pension proposal, and not this Court under Article 226 of the Constitution of India.

8. Writ Petition stands dismissed. However, liberty is granted to the petitioner to make a fresh representation to the authorities concerned, if necessary. No costs.

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