



W.P.(MD)No.20172 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.10.2025

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.20172 of 2022

R.Thulasiammal

... Petitioner

Vs.

1.The he Principal Secretary to Government,
Public (Ex Servicemen) Department,
Govt of Tamil Nadu,
Fort St.George,
Chennai-600 009.

2.Office of the Principal Accountant General (A and E),
Anna Salai, Chennai-600 018

3.NCC Directorate,
TN (P& AN(A.K),
Fort St.George,
Chennai-600 009

4.The Commanding Officer,
3(TN) Girls Battalion NCC,
Maharaja Nagar,
Tirunelveli District,
Tamil Nadu.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling records of 1st respondent herein pertaining to the Government ORder in G.O.(Ms) No. 290, dated 05.04.2017 and quash it as illegal as far as to the effective date of Government Order and declare consequent orders of the fourth respondent herein passed in PEN.22/IV/Pt.7949/2017-2018/109634/147 dated 09.01.2018 and in reference 611/1/Accts, dated 19.01.2018 as illegal and subsequently direct the fourth respondent to pay the family pension to the petitioner for the period of 26.04.1995 to 02.09.2016.

For Petitioner : Mr.K.K.Samy

For R-1, R-3 & R-4 : Mr.A.Baskaran,
Additional Government Pleader

For R-2 : Mr.P.Gunasekaran,
Standing Counsel

ORDER

This writ petition has been filed challenging the impugned Government Order in G.O.(Ms) No. 290, Public (Ex-Servicemen) Department, dated 05.04.2017, and consequently, seeking a declaration that the orders of the fourth respondent dated 09.01.2018 and 19.01.2018 are illegal.

2. The petitioner also seeks for a consequential direction to the fourth respondent to pay family pension to the petitioner for the period from 26.04.1995 to 02.09.2016. The petitioner is the wife of the deceased A.Rengasamy, who was earlier working in the Indian Army and had retired



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from service and thereafter, joined the State Government. While working in the State Government as an Ex-Serviceman, he died. After his death, his wife, who has been receiving the family pension for the service rendered by her husband in the Indian Army, claims that she has been sanctioned family pension only from the year 2016 after passing of G.O.(Ms) No. 290, Public (Ex-Servicemen) Department, dated 05.04.2017 and she claims that she ought to have been granted family pension from the State Government from the date of her husband's death, which is from 26.04.1995.

3. Since the petitioner has not been paid family pension for the period from 26.04.1995 to 02.09.2016, this writ petition has been filed challenging the impugned Government Order dated 05.04.2017 and also the petitioner seeks for a consequential direction which includes the payment of family pension to her for the period from 26.04.1995 to 02.09.2016. Earlier, the very same petitioner approached this Court by filing a writ petition in W.P.(MD).No.3638 of 2018 in respect to the very same cause of action. By an order dated 31.01.2022 passed in W.P.(MD).No.3638 of 2018, the learned Single Judge of this Court in the writ petition filed by the petitioner, dismissed the writ petition, but, however, granted liberty to the petitioner to challenge G.O.(Ms) No. 290, Public (Ex-Servicemen) Department, dated 05.04.2017. The said Government Order



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enables the petitioner to get family pension only from the date of the Government Order and not from the date of the death of the petitioner's husband while he was in service in the State Government.

4. The petitioner in terms of liberty granted to her to challenge G.O.(Ms) No. 290, Public (Ex-Servicemen) Department, dated 05.04.2017 has filed this writ petition, though the aforesaid Government Order has been challenged, the averments contained in the affidavit or the grounds raised by the petitioner has not stated that the aforesaid Government Order is arbitrarily and illegal. There are absolutely no grounds raised in the affidavit filed in support of the writ petition by the petitioner to substantiate the petitioner's case that G.O.(Ms) No. 290, Public (Ex-Servicemen) Department, dated 05.04.2017, is arbitrary and illegal.

5. In the affidavit filed in support of the writ petition, the petitioner has raised only a personal grievance namely non payment of the family pension for the period from 26.04.1995 to 02.09.2016. While that be so, unless and until, legal grounds have been made by the petitioner for challenging the impugned Government Order, the question of entertaining this writ petition by this Court does not arise. Admittedly, prior to G.O.(Ms) No. 290, Public (Ex-Servicemen)



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Department, dated 05.04.2017, the State Government was not granted family pension for the death of Ex-Servicemen. Only pursuant to G.O.(Ms) No. 290, Public (Ex-Servicemen) Department, dated 05.04.2017, which has been challenged in this writ petition to enure to the benefit of the families of Ex-Serviceman, the family pension was introduced which enables the family pensioners to get the family pension both from the State Government as well as from the Indian Army.

6. This Court also does not find any irregularity in the issuance of G.O. (Ms) No. 290, Public (Ex-Servicemen) Department, dated 05.04.2017, as the said Government Order is only in the interest of family pensioners and further being a policy decision, the question of interference by this Court does not arise that too when no legal grounds have been raised by the petitioner in this writ petition for challenging the impugned Government Order.

7. For the foregoing reasons, this Court does not find any merit in this writ petition and accordingly, the writ petition stands dismissed. No costs.

30.10.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
TSG



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2.The NCC Directorate,
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ABDUL QUDDHOSE, J.

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