



W.P.(MD) No.26216 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.10.2025

CORAM:

THE HONOURABLE Mr.JUSTICE K.KUMARESH BABU

W.P.(MD)No.26216 of 2025

Rajendran

... Petitioner

Vs

1. The Director,
Local Fund Audit Department,
Integrated Complex For Finance Department,
4th Floor,
Nanthanam,
Chennai - 600 035.

2. The Assistant Director,
Local Fund Audit Department,
Integrated Complex For Finance Department,
Perasiriyar K. Anbalagan Maligai,
4th Floor, Nanthanam,
Chennai - 600 035.

3. The Commissioner,
Thanjavur Corporation,
Thanjavur.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India,
praying for issuance of Writ of Certiorarified Mandamus, calling for the
records of the impugned order passed by the 2nd respondent in



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Moo.Mo.No.e-748085/NaOSa(1)/2025 dated 16.06.2025 and quash the same as illegal and consequently issue direction to the respondents provide family pension of Late Balakrishnan who is having family pension payment order No.2108/M, for a period, from the date of death of the Late Balakrishnan i.e. 03.04.1996 to till the date of death of mentally challenged son i.e. 19.10.2023, as per the G.O. Ms. 107, Finance (Pension) Department dated 07.03.2000.

For Petitioner : Mr.S.Vishnuvardhan,
For Respondent : Mrs.P.B.Ahamed Yashmin Parvin
Government Advocate (R1-R2)

: Mr.N.Dilipkumar (R3)

ORDER

This writ petition has been filed for a writ of Certiorarified Mandamus to quash the impugned order passed by the 2nd respondent in Moo.Mo.No.e-748085/NaOSa(1)/2025 dated 16.06.2025 and consequently direct the respondents to provide family pension of Late Balakrishnan who is having family pension payment order No.2108/M, from 03.04.1996 to till the date of death of differently abled son i.e. 19.10.2023, as per the G.O. Ms. 107, Finance (Pension) Department dated 07.03.2000.



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2.The learned counsel for the petitioner would submit that the petitioner's father was working as a Grade I Accountant in the office of the third respondent Municipality and retired from service on 30.04.1993. He had been receiving family pension till his death on 03.04.1997 and thereafter, steps have been taken to receive the family pension for the mother. Unfortunately, the mother also died on 27.06.1997. One of his brother, Kannan was differently abled person affected with 60 percent mental disability. The petitioner had been taking care of the said differently abled brother and as per the provisions of the Pension Rules and the Government Order in G.O.(Ms)No.107, Finance (Pension) Department, dated 07.03.2000, his brother was entitled for the family pension. The authorities have directed the petitioner to produce an order of declaring the petitioner to be a guardian of the differently abled brother. Hence, he had approached the Principal District Court, Sriviliputhur in M.H.O.P.No.2 of 2013 to declare himself as a guardian to his differently abled brother, in which, by judgment and decree dated 29.01.2021, he had been declared as a guardian. Immediately, he had approached the authorities on 01.04.2021 and a



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proposal was also forwarded to the first respondent. The said brother died on 20.11.2023 and after his death, the petitioner again made an application on 30.07.2024 to provide the family pension to his brother from the death of his father till the death of his brother. He would submit that the petitioner as a legal guardian have taken care of his brother by expending his hard earned money and the Government is duty bound to pay pension to the brother after the death of his father and mother. But however, by the impugned communication, the Government had rejected the claim of the petitioner as his brother died on 20.11.2023. Therefore, he would submit that the brother is entitled for family pension, as the pension should be paid by the Government in spite of his death. Hence, he seeks indulgence with the order impugned herein.

3.Mrs.P.B.Ahamed Yashmin Parvin, learned Government Advocate appearing for the respondents 1 and 2 would submit that as the person who was entitled for family pension had died, there is no question of granting any family pension to the other persons as he is alone entitled to receive the benefits of the family pension. She would further submit that the petitioner being a brother is duty bound to take care of such



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differently abled person. Further the benefits that is now sought to be given cannot be enlarged to any other person other than the differently abled person and the petitioner has also not produced any materials to substantiate his claim that he had taken care of the brother except for the order of the Court appointing him to be a guardian.

4.Mr.N.Dilip Kumar, learned Counsel appearing for the third respondent would submit that even though the proposal had been sent by the third respondent, it is seen that the petitioner had not substantiated any expenses that he had undergone in respect of the differently abled brother and any direction to grant pension at this stage would only unjust.

5.I have considered the submissions made on either side.

6.It is true that the petitioner's brother is entitled for family pension. It is the claim of the petitioner that he had been taking care of his brother till his death and therefore, to compensate that, family pension which is receivable by the brother shall be given to him. It is an



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unfortunate case that the family pension had not been paid to the differently abled person on the death of the father. This Court would have appreciated the claim of the petitioner, if had such a differently abled brother alive, but unfortunately the said person is no more.

7.For the aforesaid reasons, this Court do not find any reason to interfere with the order impugned in the writ petition. Accordingly, the writ petition stands dismissed. No costs.

23.10.2025

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



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