IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2026

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.2472 of 2026

V.Vairam ... Petitioner

Vs

1.The Government of Tamil Nadu represented by
The Additional Chief Secretary to Government,
Finance Department, Fort St.George,
Chennai-600009.

2.The Accountant General (Accounts and Entitlements)
Tamil Nadu, No.361 Anna Salai,
Chennai-600018.

3.The Block Educational Officer,
Kattumannarkoil Block,
Cuddalore District-608302. ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order of the Second Respondent in Lr.No.ENTT 22/Unit 2/PPT No.35273 dated 08.09.2025 and quash the same and direct the respondents to sanction family pension to the Petitioner with effect from 14.06.2025 and grant him all consequential benefits.

For Petitioner : Mr.P.Manoj Kumar

For Respondents : Mr.P.Balathandayutham,
Special Government Pleader for RR-1 & 3

Mr.T.Ravi Kumar for R-2

<u>O R D E R</u>

Mr.P.Balathandayutham, learned Special Government Pleader takes notice on behalf of the 1st and 3rd respondent. Mr.T.Ravi Kumar, learned counsel takes notice on behalf of the 2nd respondent.

2. By consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

3. The petitioner is the daughter of Ramasamy, a retired Teacher who was receiving pension. Her mother predeceased her father. Thereafter, the petitioner's husband namely Velmurugan also passed away. Subsequently, the petitioner applied for grant of family pension on account of the death of her father. However, her request was rejected on the ground that, a daughter is entitled to receive a family pension only if she is a widow or had been divorced during the lifetime of the Government servant or family pensioner. Aggrieved by which, the petitioner has come up with the present Writ Petition.

4. Learned counsel appearing for the petitioner submitted that the rejection is contrary to the benevolent object of the family pension scheme. In this regard, learned counsel appearing for the petitioner placed his reliance on G.O.Ms.No.337, Finance (Pay Cell) Department dated 14.11.2017 and G.O.Ms.No.325, Finance (Pension) Department dated 28.11.2011 which extends the benefit of family pension to unmarried, widowed and divorced daughters, without reference to the earlier age restriction of 25 years however, without adverting to the said fact, the present impugned order has come to be passed and therefore, the same is liable to be set aside.

5. Learned Counsel appearing for the 2nd respondent submitted that, as per the existing provisions governing family pension, a daughter would be entitled to receive a family pension only if she had attained widowhood or had been divorced during the lifetime of the Government Servant or while the family pensioner was alive however, in the present case, on the date of death of the pensioner, the petitioner was not a widow and that her husband passed away only after the death of her father which was the sole ground on which the claim of the petitioner was rejected and therefore, the impugned order cannot be found fault with. Accordingly, he prayed for dismissal of the Writ Petition.

6. Heard both sides and perused the materials available on record.

7. Admittedly, the petitioner is the daughter of Ramasamy, a retired Teacher who was receiving pension. Her mother predeceased her father. Thereafter, the petitioner's father died and immediately within a week's time, her husband namely Velmurugan also passed away. The main grievance of the petitioner is that her request for grant of family pension on account of the death of her father was rejected on the ground that, a daughter is entitled to receive family pension only if she is a widow or had been divorced during the lifetime of the Government servant or family pensioner.

8. It is the admitted fact that, on the date when the family pensioner died, she was not a widow. However, before intimation of the demise could be given to the department, the petitioner's husband passed away and she had become a widow. It is not the case of the respondents that the petitioner is gainfully employed and therefore, ineligible for family pension.

9. In view of the fact that the G.O.Ms.No.337, Finance (Pay Cell) Department dated 14.11.2017 is a benevolent grant of family pension to daughters who are unmarried or widowed or divorced, so as to eke out their livelihood, the Government order has to be interpreted to benefit the said persons and a literal and closed construction should not be resorted to. When the petitioner being the daughter, not gainfully employed and has become a widow, she is entitled to family pension irrespective of the fact that whether she was a widow even prior to the death of the family pensioner as that would not only curtail the right but deny the benefit on the whole to women, who face such calamitous situation and suffer for their livelihood. Therefore, the benefit of the said G.O has to be extended to the petitioner herein. Further, G.O.Ms.No.325, Finance (Pension) Department dated 28.11.2011 clarifies that such benefit is extended without restricting it to the age limit of 25 years and therefore, the impugned order which has been passed solely on the ground that the petitioner had attained widowhood only after the demise of her father is unreasonable and arbitrary.

10. In view of the above, the Writ Petition is allowed and the impugned order dated 08.09.2025 passed by the 2nd respondent is hereby quashed. The respondents are directed to consider the case of the petitioner in the light of G.O.Ms.No.337, Finance (Pay Cell) Department dated 14.11.2017, G.O.Ms.No.325, Finance (Pension) Department dated 28.11.2011 and in the light of the reasons aforesaid and pass appropriate orders on merits and in accordance with law within a period of six (6) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

29.01.2026

Index : Yes / No
Speaking Order / Non-speaking order
Neutral Citation Case : Yes / No

Nhs

To

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