IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 19-02-2026
Pronounced on: 20-02-2026

CORAM

THE HONOURABLE MR.JUSTICE T. VINOD KUMAR

WP No. 25234 of 2021

M.Seethalakshmi

Petitioner

Vs

1. The Principal Accountant General
(Accounts and Entitlements)
361, Anna Salai, Chennai - 600 018.

2.The Works Manager,
Government Central Press,
Chennai – 600 001.

Respondents

PRAYER Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the entire records connected with the impugned communication in No.P21 / 1 / 12124529 / ADK / 160, dated 22.10.2021 made by the 1st respondent to the 2nd respondent, rejecting the proposals for payment of Family Pension to the petitioner and quash the same and consequently direct the 1st respondent to consider the proposal for grant family pension to the petitioner within the time stipulated by this Court.

For Petitioner: Ms.A.Monika for
Mr.S.Sathia Chandran

For Respondents: Mr.V.Vijay Shankar,
Standing Counsel for R1
Mrs.V.Yamunadevi,

Special Government Pleader for R2

ORDER

Heard the learned counsel for the petitioner, learned Standing Counsel appearing on behalf of the first respondent and learned Special Government Pleader appearing on behalf the second respondent and perused the record.

2. The petitioner by the present writ petition has assailed the action of the first respondent in rejecting the proposal submitted by her for grant of family pension of her deceased father.

3. The case of the petitioner is that her father was working as junior foremen under the second respondent and got superannuated on 30.09.1984 and was drawing pension of Rs.373/- per month; that her father had deceased on 26.06.2013 at the age of 87 years, leaving behind the petitioner, two brothers and two sisters; and that her mother predeceased her father.

4. The petitioner further contended that though she was married, as her husband had suffered heart attack and underwent heart surgery, she and her husband were living with her father who supported them financially and thus, the petitioner and her husband were fully dependant on her father.

5. It is the further case of the petitioner that her brothers are married and settled with their respective families, while elder sister is married and is living

with her family in Thanjavur and that her other sister who is a widow is living in Tambaram, Chennai with her children who take care of all her needs.

6. Petitioner contended that while she and her husband both were fully dependant on her father during his lifetime, after the death of her father, the petitioner and her husband who was unwell, were left with no support; that after about one year, nine months after the death of her father, her husband also passed away on 18.03.2015 due to health complications, leaving behind herself and an unmarried son; and that after the death of her husband, the family is economically struggling to meet the needs.

7. It is the further case of the petitioner that as per GO No.325, Finance (Pay Cell) Department dated 28.11.2011, she being a widowed daughter of government employees, is entitled for being granted family pension; that she accordingly, submitted an application dated 16.09.2021 to the first respondent through second respondent; that while the petitioner was waiting for grant of family pension of her father, she was shocked to receive a copy Communication dated 22.10.2021 (received on 05.11.2021) addressed by the first respondent to the second respondent, rejecting the application submitted by her for grant of family pension, stating that her widowed elder sister living, in the order of birth, is entitled for grant of family pension; and that she is not entitled for grant of family pension.

8. The petitioner further contended that since, the purport G.O.No.325, dated 28.11.2011 for granting family pension to widowed daughter, being a benevolent executive direction, the respondents could not have rejected her application for grant of family pension of her father.

9. The petitioner further contended that a reading of G.O.No.325, dated 28.11.2011 would make it clear that an unmarried daughter and widowed daughter would be entitled for being granted family pension and thus, the impugned order, by which the first respondent had rejected her claim for grant of family pension is wholly illegal and cannot be sustained and seeks for setting aside the same with a consequential direction to the respondents to grant of family pension of her father.

10. In support of the aforesaid contentions, the learned counsel for the petitioner placed reliance on the following Judgments of the Hon'ble Court and this Court:

i. Deepika Singh Vs. Central Administrative Tribunal & Ors. reported in 2022 SCC Online SC 1088;

ii. S.P.Jothi Vs. the Accountant General, Accounts & Entitlements, Chennai & Another in W.P.(MD) No. 6395 of 2016, *dated 18.04.2017*

11. Counter affidavit on behalf of the first respondent, is filed.

12. On behalf of the respondents, it is contended that the family pension is payable to the unmarried daughter and widowed daughter of the deceased employee; that in order to be eligible for being paid family pension, the respondents are required to determine as to whether the claimants / legal heirs of the deceased employee would meet the criteria laid down, viz., being unmarried daughter and widowed daughter of the deceased employee; and that the crucial date for determining the above eligibility is the date of death of the deceased employee.

13. On behalf of the respondents, it is further contended that since the petitioner's father had deceased on 26.06.2013 when the husband of the petitioner was alive, subsequent event of the death of her husband would not make the petitioner eligible for being granted family pension by considering her as widowed daughter of the deceased on the date when the employee had died.

14. By the counter affidavit, it is further contended that since, the other sister who is the elder to the petitioner, was widowed even prior to the date of

death of her father, as such would be eligible for being granted family pension of the deceased father. Contending as above, the first respondent seeks for dismissal of the petition.

15. I have taken note of the respective submissions advanced by the learned counsel appearing for the parties.

16. Though on behalf of the petitioner, it is contended that the G.O.No.325, dated 28.11.2011 being a benevolent Government Order, the same has to be construed liberally and the benefit has to be extended by adopting purposive interpretation, it is to be noted that the purposive interpretation is applied where a strict literal reading creates ambiguity, absurdity or fails to fulfil the legislative intent or underlying purpose. However, in the facts of the present case, not only their exists any ambiguity, on the other hand, a reading of G.O.No.325, dated 28.11.2011 makes it clear that the benefit of family pension is to be extended only in respect of unmarried daughter / <u>widowed daughter of the deceased employee</u>, thereby making it clear that on the date of death of the employee, the claimant should have been either an <u>unmarried daughter or a widowed daughter,</u> dependant on her father. (underlining supplied by Court)

17. In the facts of the present case, as noted herein above, though the petitioner had claimed that she and her husband, who had undergone open-heart

surgery, were taken care by her father during his lifetime and her husband having deceased after the demise of her father, would not make the petitioner a widowed daughter of the deceased employee on the date when her father had died.

18. The mere fact of the petitioner's husband having diseased subsequently would not make the petitioner eligible for being granted family pension by considering her as widowed daughter of deceased employee, as by the date her husband had died, her father had predeceased. Thus, the claim of the petitioner of being eligible for grant of family pension of her father and the rejection of her application, dated, 22.10.2021 by the first respondent, in the considered view of the Court, does not suffer from any error for being interfered with.

19. Insofar as the reliance placed by the petitioner on the decisions of the Apex Court and the decision of this Court in *Deepika Singh* case *and S.P.Jothi* case respectively cited *supra* is concerned, they would not advance the case of the petitioner as the issue in consideration in the aforementioned cases is not relatable to the case of the petitioner on hand, much less G.O.No.325, dated 28.11.2011 was not a subject matter under consideration therein, but dealt with general principles of Interpretation.

20. Accordingly, the writ petition as filed is devoid of merits and is dismissed. No costs.

20-02-2026

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

To

1.The Principal Accountant
General(Accounts and Entitlements)
361, Anna Salai, Chennai - 600 018.

2.The Works Manager
Government Central Press, Chennai - 1.

T.VINOD KUMAR J.

vum

Pre-Delivery Order made in

WP No. 25234 of 2021

20-02-2026