



WEB COPY



W.P. No.34269 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2026

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. No.34269 of 2025
and
W.M.P. No.55494 of 2025

Thangaraj

Petitioner

Vs

1. The Senior Accounts Officer
Office of the Accountant General
(Accounts and Entitlements),
Tamilnadu,
No.361, Anna Salai,
Teynampet,
Chennai-600 018

2.The Block Educational Officer -I
Virudhachalam, Cuddalore

Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus, directing the 1st and 2nd respondents grant petitioner the Family Benefit Fund, Family Welfare Fund, General Provident Fund, Retirement Benefits and other benefits of deceased Palaniyammal

For Petitioner : Mr. V. Balamurugan

For Respondents: Mr.A.N.R. Jayaprathap

Standing Counsel for R1

Mrs.S. Mythreye Chandru

Spl. Govt. Pleader (Education) for R2



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ORDER

Mr.A.N.R. Jayaprathap, learned Standing Counsel takes notice for the 1st respondent and Mrs.S. Mythreye Chandru, learned Special Government Pleader takes notice for the 2nd respondent. By consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

2. This writ petition has been filed seeking for a direction to the 1st and 2nd respondents to grant Family Benefit Fund, Family Welfare Fund, General Provident Fund, Retirement Benefits and other benefits of deceased Palaniyammal to the petitioner.

3. It is stated that the petitioner is the father of the deceased Government servant Palaniyammal, who worked as Headmistress in a Panchayat Union Primary School and died while in service on 12.05.2021 due to Covid-19. She was unmarried. The petitioner seeks family pension and other terminal benefits. Seeking above benefits, the petitioner has submitted a representation before the 2nd respondent on 01.12.2021, which has not been considered, till date. It is also stated that the deceased had adopted a son, namely Eniyaranjan. Hence, this writ petition.

4. Learned counsel for the petitioner submitted that the petitioner, aged 95 years, being the dependent father and nominee of the deceased employee, is entitled to family pension and other service benefits. He further submitted that



the petitioner's claim is independent of the claim made on behalf of the alleged adopted son. In view of the above, he prays for issuance of appropriate directions to the respondents to consider the claim of the petitioner, within a short span of time.

5. Reiterating the averments made in the Counter affidavit, learned Special Government Pleader appearing for the 2nd respondent submitted that the adoption deed produced is an unregistered one and notarised document and but it has no legal validity. In the absence of an adoption order issued by a competent Court, the claim of the adopted son, cannot be considered by the respondents. However, she fairly submitted that the petitioner's name finds place in the nomination forms and there is no legal impediment to consider his claim as the father of the deceased unmarried employee for benefits. Therefore, this Court may issue suitable directions to the petitioner to submit a fresh application seeking the benefits of the deceased, alone and the same will be processed by the respondents, within a time schedule to be fixed by this Court.

6. From the aforesaid submissions, it reveals that the respondents have rejected the claim of the alleged adopted son for want of valid legal proof of adoption. Normally, when an unmarried woman Government servant dies leaving behind a legally adopted son, the adopted son alone is entitled to family



pension, and the father, even if he is nominee, is not entitled. On a perusal of the pension Rules, it is evident that if there is no legally valid adoption, the parents of an unmarried deceased woman is entitled. In the case on hand, though it is claimed that adoption deed was available, the same is considered to be an unregistered one and thus, the father of deceased Palaniyammal, the petitioner herein is entitled to get benefits viz., Family Benefit Fund, Family Welfare Fund, Retirement benefits, if any due etc., When that being the position, the petitioner shall submit a fresh representation to the respondents seeking the aforesaid benefits by way of an independent claim as the dependent parent and nominee of the deceased employee, which is maintainable under the Tamil Nadu Pension Rules.

7. Be that as it may. Further, it is clear that mere nomination alone does not confer any right and the entitlement depends mainly on statutory eligibility. On the other hand, if the adopted son is to avail the benefit of Family Pension, he has to obtain appropriate orders from the Court of law with regard to adoption and only then the respondents can entertain his claim.

8. In view of the aforesaid reasonings, this Court directs the petitioner to submit a fresh representation to the respondents for getting the family benefit fund and welfare fund, etc and other terminal benefits, if any, within a period of one week from the date of receipt of a copy of this order , and upon receipt of



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the same, the respondents are directed to consider the said representation and disburse the admissible benefits / terminal benefits to the petitioner, within a period of two weeks thereafter, in accordance with law. Liberty is granted to the alleged adopted son to submit a separate application on production of valid proof of adoption for claiming family pension before the respondents. This Court makes it clear that strict time lines have to be followed, considering the age of the petitioner.

9. Accordingly, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

08.01.2026

Index : Yes / No
Internet: Yes/No
Speaking Order/Non-Speaking Order
vsi2

To
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M.DHANDAPANI, J.

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