

(2010) 11 KL CK 0215

High Court Of Kerala

Case No: Writ Petition (C) No. 34123 of 2010 (M)

P. Geetha Pillai

APPELLANT

Vs

State of Kerala, Sub Treasury
Officer and Accountant General
of Kerala (A and E)RESPONDENT

Date of Decision: Nov. 29, 2010**Hon'ble Judges:** S. Siri Jagan, J**Bench:** Single Bench**Advocate:** R. Azad Babu, for the Appellant; No Appearance, for the Respondent

Judgement

S. Siri Jagan, J.

The petitioner is the daughter of late V.S. Thankappan Pillai who died on 02.05.1983, while working as a Peon in the Public Works Department of the Government of Kerala. She was an unmarried daughter at that time. So family pension was sanctioned to her and was being credited in an account with the Treasury maintained for that purpose. She got married on 31.01.2010. According to the Petitioner, the account had a balance of about Rs. 80,000/- at that time. To defray certain expenses in connection with her marriage, the Petitioner issued a cheque for Rs. 75,500/- in that account. That was not honoured by the 2nd Respondent. It is under the above circumstances the Petitioner has filed this writ petition seeking the following reliefs:

a) issue a writ of mandamus or any other appropriate writ, order or direction commanding the Respondents to disburse the pension arrears due to the Petitioner accumulated till 31.1.2010

2. learned Government Pleader on instructions submits that, as per rules, an unmarried daughter is eligible for family pension only up to 25 years of age, which the Petitioner has crossed as early as in 2007. For payment of family pension beyond 25 years of age, the Petitioner has to get sanction from the Government producing a certificate certifying that, the Petitioner is not having any other source of income.

Without noticing the above fact, family pension continued to be credited to the Petitioner's account, which was detected only now and that is why the cheque issued by the Petitioner was not honoured in his submission.

3. Petitioner submits that, along with Ext.P1 representation, such a certificate was produced. The learned Government Pleader points out that, that was submitted only on 16.04.2010 and therefore it is yet to be considered.

4. In the above circumstances, this writ petition is disposed of with a direction to the 1st Respondent to consider the matter and take a decision as to whether the Petitioner is entitled to continue payment of family pension till the date of her marriage as expeditiously as possible, at any rate within a period of three months from the date of receipt of a copy of this judgment. In the meanwhile, if in the account of the Petitioner, amounts are outstanding till she attained 25 years and if the Petitioner issues a cheque for that amount, the same shall be honoured and paid.