



Finance (Pension) Department
Secretariat, Chennai-600 009.

Letter No. 17109 / Pension / 2010, dated: 24-6-2010

From
Thiru. K. Shanmugam, I.A.S.,
Principal Secretary to Government.

To
The Accountant General (A&E),
Chennai – 18.

Sir,

Sub: Pension – Family Pension – sanction of Family Pension
to married mentally disabled son – Clarification – Issue.

- Ref: 1. Government letter No.10544/Finance (Pension)
Department/2002-3, dated: 13.9.2004.
2. Government letter No.10544/Finance (Pension)
Department/ 2002-8, dated: 15.8.2006.
3. Representation dated 29.8.06 received from
Thiru. D.Lakshmanan, Live Stock Inspector (Retired)
4. Government letter No. 15916/AH&F (AH I)
Department/2006-2, dated: 20.12.2006.
5. From the Office of the Accountant General (A&E)
letter No.Pen/30/111/3-5/07-08/FP/OR273&284/174,
dated: 27.11.07.
6. Representation received from Thiru.D.Lakshmanan,
Retired Live Stock Inspector, dated: 2.3.2010.

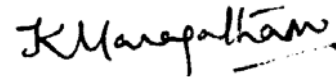
Thiru. D.Lakshmanan, Live Stock Inspector (Retired) in his representation third referred above has expressed his desire to modify his nomination for family pension consequent on the demise of his wife, so as to enable his mentally retarded son to get family pension after his demise. Accordingly Government in the letter fourth referred above has directed that Thiru. L.Anandan, mentally retarded son of Thiru. D.Lakshmanan is eligible for family pension and the Commissioner and Director of Animal Husbandry was requested to obtain revised nomination and forward it to the Accountant General under intimation to Government.

2. Thiru.D.Lakshmanan, Live Stock Inspector (Retired) in his representation sixth referred above has stated that the Accountant General has not accepted the nomination for the reason that as per the prevailing rules of Tamil Nadu Pension Rules 1978, mentally retarded son who is married is not entitled for family pension.

3. The Deputy Accountant General (Pension) in his letter fifth referred above has observed that there is no express provision in the Rules / orders prohibiting payment of family pension to married physically handicapped / mentally disabled son / daughter and hence stated that the issue of payment of family pension for lifetime to a physically handicapped / Mentally disabled son / daughter who has got married remains a grey area so far. The Deputy Accountant General (Pension) has referred the orders of the Madurai Bench of the Madras High Court, dated: 15.12.2006 in W.P.(MD) No. 10144/2006 in which the Hon'ble High Court has directed to pay family pension to the petitioner who is physically handicapped and married. The Deputy Accountant General (Pension) also referred the case received from the Government in the letter fourth referred above and requested that suitable clarification / amendment to the relevant section of Tamil Nadu Pension Rules for finalising the cases on hand and also for guidance in future.

4. The request of the Deputy Accountant General (Pension) has been examined in detail. As per proviso to Rule 49 (6) (iii) of Tamil Nadu Pension Rules 1978, family pension shall be payable to disabled son or daughter (Including mentally retarded)for life. However as per Rule 49 (6) (iii) (vi) of Tamil Nadu Pension Rules 1978 such disabled daughter shall not be eligible for family pension from the date on which she gets married. In view of this position, the physically disabled son is not specifically forbidden from the benefit of family pension consequent on his marriage. Government therefore clarify that the mentally disabled son is eligible for family pension for life time as per proviso to Rule 49 (6) (iii) of Tamil Nadu Pension Rules 1978. However the wife of the mentally disabled son is not eligible for family pension in the event of his death. I am, therefore to request you to admit the nomination of Thiru.L.Anand, Mentally retarded son of Thiru. D.Lakshmanan, Live Stock Inspector (Retired). I am also to request you to admit the similar pending claims.

Yours faithfully,



for Principal Secretary to Government.

Copy to

1. Thiru. D.Lakshmanan,
Live Stock Inspector Grade I (Retired)
195, Mettu Street, (Gandhi Street), Chengalpattu-603 001.
2. Animal Husbandry & Fisheries Department, Chennai-9.
3. Stock File / Spare Copy