



WEB COPY

WP No. 31224 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-08-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

WP No. 31224 of 2026

and

WMP No. 34324 of 2026

Kalyani

..petitioner(s)

Vs

1. The Director of Local Fund Audit
Directorate of Local Fund Audit
Professor K.Anbazhagan Maaligai
4th floor,
Nandanam
Chennai-600035
2. The Assistant Director
Municipal Pension Disbursement Division
Directorate of Local Fund Audit
Professor K.Anbazhagan Maaligai
4th floor, Nandanam
Chennai-600 035
3. The Commissioner
Mannargudi Municipality
Mannargudi
Thiruvavarur District
4. The Tahsildar
Taluk Office
Nannilam Taluk
Thiruvavarur District

..Respondent(s)



Prayer: This writ petition is filed under Article 226 of the Constitution of India, seeking writ of certiorarified mandamus calling for the records relating to the impugned proceedings of the 2nd respondent bearing Ref.No.E-2255669/NaOoVa(3)/2026 dated 27.04.2026 and quash the same and consequently direct the respondents to sanction and disburse the family pension and all consequential monetary benefits payable to the petitioner together with arrears.

For petitioner(s): Mr. D.Padmanabhan

For Respondent(s): Mr. K.Sathish
Government Advocate

Order

This writ petition is filed for the following relief:

“To call for the records relating to the impugned proceedings of the 2nd respondent bearing Ref.No.E-2255669/NaOoVa(3)/2026 dated 27.04.2026 and quash the same and consequently direct the respondents to sanction and disburse the family pension and all consequential monetary benefits payable to the petitioner together with arrears.”



2. The petitioner is the wife of the deceased M. Pakkirisamy, who served as a Sanitary Worker in Mannargudi Municipality and retired from the service on 30.06.2012. The said Pakkirisamy died on 26.02.2024, while receiving pension. The petitioner submits that she married the said Pakkirisamy with the knowledge, consent and concurrence of his first wife, namely, Saradha @ Subbulakshmi, who was living separately from him. The petitioner thereafter lived with the said Pakkirisamy, as his wife for several decades and they were blessed with children.

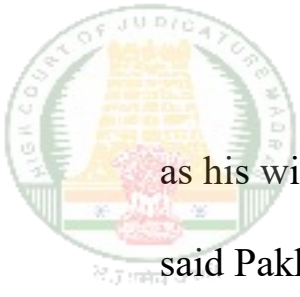
3. Subsequently, the first wife obtained a decree of divorce in H.M.O.P.No.26 of 2000 and had given a sworn declaration stating that she had no objection to the petitioner being recognized as wife of the deceased Pakkirisamy and receiving family pension and other monetary benefits. The petitioner submitted a representation dated 16.06.2025 seeking family pension. However, the 2nd respondent vide impugned order dated 27.04.2026, rejected the request on the ground that the petitioner was the second wife and that family pension could not be sanctioned under the Tamil Nadu Pension Rules, 1978. Aggrieved thus, the petitioner is before this Court.



4. Heard the learned counsels on the either side and perused the records.

5. The petitioner and the late Pakkirisamy had been married as early as in the year 1971 (16.05.1971). When the petitioner and the said Pakkirisamy had got married, the petitioner's husband has not got his divorce from his first wife. However, the first wife had left the said Pakkirisamy, immediately after birth of her son. Further, the first wife Sarada had obtained divorce from Pakkirisamy in HMOP.NO.26 of 2000, on the file of the Principal Subordinate Court, Kumbakonam. The first wife had also submitted an affidavit, wherein, she had stated that she has no objection to the petitioner being declared the wife of the said Pakkirisamy and receiving retiral benefits due to the said Pakkirisamy. This affidavit has also been signed by the son of Pakkirisamy, through his first wife.

6. The documents which have been submitted, namely, Pan card, Aadhar card, Bank Statement etc., describes the petitioner as wife of the said Pakkirisamy. In fact the pension book issued to the said Pakkirisamy by the respondent department during his lifetime describes the petitioner



as his wife. This PPO has been issued after divorce decree in favour of the said Pakkirisamy.

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7. Considering the fact that much prior to his death, the said Pakkirisamy had married the petitioner and obtained divorce from his first wife and the first wife has also given her no objection and recognised the petitioner as wife of the deceased Pakkirisamy, the impugned order is quashed. This writ petition is allowed. The respondents are directed to pay family pension and other benefits, within a period of 2 weeks from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petition is closed. No costs.

07-08-2026

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



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