

W.P.(MD)No.18254 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.07.2026**

CORAM

THE HONOURABLE **MR.JUSTICE MUMMINENI SUDHEER KUMAR**

W.P.(MD)No.18254 of 2023
and
W.M.P.(MD)No.15223 of 2023

N.Vembu

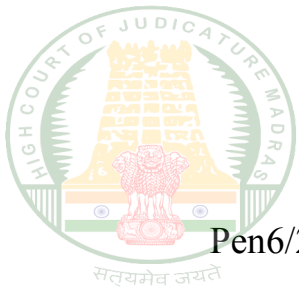
... Petitioner

vs.

- 1.The Accountant General,
361, Anna Salai, Teynampet,
Chennai – 600 018.
- 2.The Project Officer,
Integrated Child Development Scheme,
Child Development Department,
Old Collector Office Building,
Tiruchirappalli.
- 3.The District Treasury Officer,
District Treasury Office,
Old Collector Office Road,
Tiruchirappalli – 620 001.
- 4.N.Vaishnav Saikumar,
Represented through his mother,
G.Manjula

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus, to call for the records pursuant to the impugned order issued by the 1st respondent in



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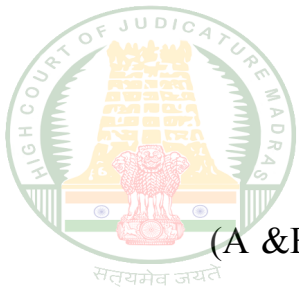
Pen6/2/Pt.no. 18082/22-23/52127 dated 14.02.2023 and his consequential impugned order in No.AG (A &E)/PEN.PO9/10827326/2/PPO no. F0827326 dated 07.07.2023 to quash the same as illegal and consequently directing the respondents to release the rest 50% family pension amount to the petitioner from 25.11.2018 and to regulate the wholesome amount of family pension in future.

For Petitioner : Mr.B.Anandan
For R-1 : Mrs.S.Mahalakshmi
For R-2 & R-3 : Mrs.K.Porkodi
Government Pleader
For R-4 : Mr.K.S.Muthu

ORDER

Heard Mr.B.Anandan, learned Counsel for the Petitioner, Mrs.S.Mahalakshmi, learned Counsel for the 1st respondent, Mrs.K.Porkodi, learned Government Pleader for Respondents 2 & 3 and Mr.K.S.Muthu, learned Counsel for the 4th Respondent.

2. This Writ Petition has been filed for issuance of Writ of Certiorarified Mandamus, challenging the impugned order issued by the 1st respondent in Pen6/2/Pt.no. 18082/22-23/52127 dated 14.02.2023 and his consequential impugned order in No.AG



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(A &E)/PEN.PO9/10827326/2/PPO no. F0827326 dated 07.07.2023 and

consequently directing the respondents to release the rest 50% family pension amount to the petitioner from 25.11.2018 and to regulate the wholesome amount of family pension in future.

3. The petitioner is the wife of late Nagarajan. The said Nagarajan was employed as a Driver in the office of the 2nd respondent and passed away on 25.11.2018. Thereafter, a dispute arose with regard to the terminal benefits and family pension payable consequent upon the death of Nagarajan.

4. The petitioner herein, being the first wife of the deceased employee, was sanctioned 50% of the family pension, while the remaining 50% was withheld in view of the claim made by the second wife of the deceased employee. The claim made by the second wife was subject matter before this Court by filing W.P.(MD) No.10008 of 2019. The said Writ Petition came to be dismissed by this Court on 07.04.2022. Aggrieved by the same, a Writ Appeal in W.A.(MD) No.1196 of 2022 has been filed and is stated to be pending as on date.



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5. In the meanwhile, the 4th respondent herein, who is the minor son of the second wife of the deceased employee, has been granted the benefit of the remaining 50% of the family pension through the impugned proceedings. Aggrieved by the said proceedings, the petitioner has approached this Court challenging the proceedings dated 14.02.2023 and the consequential proceedings dated 07.07.2023.

6. The learned counsel for the petitioner contended that the name of the 4th respondent is not entered as a nominee in the Service Register of the deceased employee and, therefore, he is not entitled to the payment of family pension. He further contended that the claim made by the mother of the 4th respondent had been negatived by this Court. Since the issue is pending consideration before the Hon'ble Division Bench of this Court, the respondents ought not to have issued the impugned proceedings releasing the remaining 50% of the family pension in favour of the 4th respondent.

7. On the other hand, the learned counsel appearing for the 4th respondent contended that there is no dispute with regard to the fact that the 4th respondent and his younger brother are the sons of the deceased



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employee through his second wife. It is also not in dispute that both of them were minors as on the date of the demise of the deceased employee.

In the circumstances, the 4th respondent and his younger brother, being the illegitimate children of the deceased employee, cannot be denied family pension in terms of the relevant Pension Rules applicable to the deceased employee.

8. I have carefully considered the submissions of both sides and I have gone through the materials available on record.

9. This Court is of the considered opinion that mere non-mentioning of the names of the 4th respondent and his younger brother as nominees in the Service Register would not disentitle them from claiming family pension, particularly when their legal status as the children of the deceased employee is not in dispute. Therefore, the claim made by the mother of the 4th respondent has nothing to do with the claim of the 4th respondent and his younger brother. The mother of the 4th respondent, being the second wife of the deceased employee, cannot claim the status of a legally wedded wife, as the marriage, if any, solemnized between her and the deceased employee is *void ab initio*.



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Therefore, the claim made by the mother of the 4th respondent was rightly rejected by this Court, and the same cannot operate against the rights of the 4th respondent and his younger brother, who are the illegitimate children of the deceased employee.

10. In the above circumstances, this Court does not find any illegality in the impugned proceedings issued by the respondents. Accordingly, the Writ Petition stands **dismissed**. The interim order granted by this Court vide order dated 28.07.2023 is hereby **vacated**. Consequently, respondents 1 to 3 are directed to release the family pension in terms of the impugned proceedings as expeditiously as possible, and in any event, within a period of four weeks from the date of receipt of a copy of this order.

There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

06.07.2026

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
Nsr



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MUMMINENI SUDHEER KUMAR, J.

Nsr

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