

THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 10.08.2015

Coram

THE HONOURABLE Mr. JUSTICE **M.VENUGOPAL**

Contempt Petition No.840 of 2015

G.Rani ... Petitioner

Vs.

1. Dr.G.Reghunathan,
Deputy Director of Civil Health Services
Saidapet, Chennai - 600 015

2. Ms.S.Snehalatha, IA &AS
Principal Accountant General (A&E)
Chennai - 600 018. ... Respondents

PRAYER: Petition filed under Section 11 of the Contempt of Courts Act, 1971 (Central Act 70 of 1971) praying to punish the Respondents herein for having violated the Orders passed by this Court in W.P.No.9622 of 2011 dated 29.01.2014 .

For Petitioner : Mr.M.Ravi

For Respondents : Mr.I.Arockiasamy for R1
Government Advocate
Mr.V.Vijayashankar for R2

O R D E R

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There is representation on both sides. It is to be borne in mind that on 29.01.2014 in W.P.No.9622 of 2011 filed by the Petitioner against the Deputy Director of Civil Health Services, Chennai - 15 and two others, this Court in Paragraph No.8 had passed the following Order

mentioned therein:-

"It appears that there is a dispute as to whether the Petitioner is the wife of the deceased P.S.Govindaraj or one P.K.Epsiba was the wife of P.S.Govindaraj. Be that as it may, in view of the fact that the Petitioner has only sought for a limited prayer in the Writ petition to consider her representation dated 01.11.2010, the 1st and 2nd Respondents are directed to consider the said representation in a Just, Fair and Objective Fashion within a period of six weeks from the date of receipt of copy of this Order. At the time of consideration of the representation of the Petitioner dated 01.11.2010, it is open to the Petitioner to furnish all requisite materials or relevant papers to the Respondents 1 & 2 and it is open to the Respondents 1 & 2 to pass appropriate speaking reasoned order, (outlining the process of reasoning) within the time determining by this Court as stated supra...."

2.The Petitioner has projected the Contempt Petition No.840 of 2015 on the footing that the Order passed by this Court in W.P.No.9622 of 2011 dated 29.01.2014 has not been complied with by the Concerned Respondents.

3.It comes to be known that the 2nd Respondent / Principal Accountant General (A&E), Chennai 18 in the

<https://hcservices.ecourts.gov.in/hcservices/> Counter to Contempt Petition No.840 of 2015 had interalia

stated that "in order to consider the Petitioner's claim for family pension her legal status is to be required/ascertained since as per Tamil Nadu Pension Rules, 1978, illegitimate wife was not entitled to family pension" etc.,

4.The crux of the matter is that there is a dispute as to whether the Petitioner is the wife of the deceased, viz., P.S.Govindaraj or one P.K.Epsiba was the wife of said P.S.Govindaraj. Also that the said P.S.Govindaraj had mentioned that one Epsiba was the wife of said P.S.Govindaraj. Also that the said P.S. Govindaraj had mentioned that one Epsiba as the wife in his nomination for Family Pension, Family Benefit Fund, GPF in the year 1982 . When that be the fact situation, the Petitioner, viz., Rani claims to be the wife of P.S.Govindaraj. Added further, the said P.S.Govindaraj, according to the learned Counsel for the 2nd Respondent had received Family Pension in the capacity of husband of Epsiba from 1986 to 10.05.2006 (date of death). As such, which marriage was consummated is to be determined by a competent Court of law with a view to identify who is the 1st wife of said P.S.Govindaraj.

5.In view of the fact that the status of wife is

very much an issue in the present case, whether P.S.Govindaraj's wife is Rani or P.K.Epsiba is the wife of said P.S.Govindaraj, this Court is of the view that the said issue needs to be resolved in a complete and comprehensive manner before the competent Court of Law in the manner known to Law and in accordance with Law. In this regard, the Petitioner is directed to approach the competent Court of Law and to seek redressal of her grievance in accordance with Law.

6.Further, it transpires that the 2nd Respondent had filed a detailed counter in the Contempt Petition No.840 of 2015 highlighting the dispute in regard to the status of wife whether Rani is the wife of P.S.Govindaraj or P.K.Epsiba is the wife of P.S.Govindaraj. In fact, the 2nd Respondent had considered the representation of the Petitioner dated 01.11.2010. Viewed in that perspective, this Court is of the considered opinion that the 2nd Respondent had complied with the Order of this Court dated 29.01.2014 passed in W.P.No.9622 of 2011. That apart, since this Court had directed the Petitioner to approach the Competent Civil Court for resolving her dispute in regard to the status of wife with regard to the claim made by her and one Epsiba, this Court holds that nothing survives for adjudication in the Contempt

petition. Accordingly the Contempt Petition is closed.
No costs.

SD/
DEPUTY REGISTRAR

ssd

//Certified to be a true copy//

Dated this the day of 2016

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies
of the Order/Judgment Decree in this format.

RDL/27.02.2016(CO)

To

1. Dr.G.Reghunathan
Deputy Director of Civil Health Services
Saidapet, Chennai - 600 015
2. Ms.S.Snehalatha, IA &AS
Principal Accountant General (A&E)
Chennai - 600 018.

1cc Government Pleader, Sr.No.10321/2015,
1cc Mr.M.Ravi Advocate Sr.No.10378/2015
1cc M/s. V.Vijaya Shakaran, Advocate SR.No.10482/2015

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