

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.12.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.21822 of 2011

Kamalam

..Petitioner

vs

1.The Accountant General
Accountant General Office,
Anna Salai,
Chennai -18.

2.The Principal Police Training and school
Vellore.

3.The Assistant Treasurer Office,
Sub Treasury,
Thirukovilur Taluk,
Villupuram District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to disburse the monthly pension due from the period 1.9.2009 to till date and in future till the demise of the petitioner in the pension payment order No.A102764 by considering the representation dated 5.9.2011 and thus render justice.

For Petitioner : M/s.G.Rajan

For Respondents : Mrs.Hemamurali Krishnan for R1
Mr.A.Rajaperumal
Additional Government Pleader
for R2 & R3

O R D E R

The relief sought for in this writ petition is for a direction to the respondents to disburse the monthly pension due from the period 01.09.2009 to till date and in future till the demise of the petitioner by considering her representation.

2.The learned counsel for the writ petitioner states that the writ petitioner is the second wife of Late M.D.Arumugam, who

was employed as School Teacher and passed away. The learned counsel for the petitioner states that the marriage between the petitioner and the deceased Government employee was solemnized on 01.12.1972, before the elder members who are residing in the Manampoondi village. However, it is an admitted fact that the 1st wife of the deceased employee Sri.Ranganayaki passed away on 12.12.1999.

3.Thus, it is made clear that the 2nd Marriage of the writ petitioner with the deceased employee was solemnized during the life time of the 1st wife. Thus, the 2nd marriage is itself void and therefore, the 2nd wife cannot have any claim in respect of the pensionary benefits as applicable to the deceased employee. The 1st wife of the deceased employee alone is entitled for the family pension as per the Tamil Nadu Pension Rules 1978. Since, the 1st wife also passed away on 12.12.1999, the petitioner being a 2nd wife is not eligible to avail the benefits of family pension under the Tamil Nadu Pension Rules 1978.

4.This being the legal principle with relevance to the provisions of the Tamil Nadu Pension Rules 1978, the writ petitioner is not eligible for the pensionary benefits including the family pension. However, the petitioner has not established any legal right for granting the relief of family pension as per the above said Rules.

5.Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1.The Accountant General
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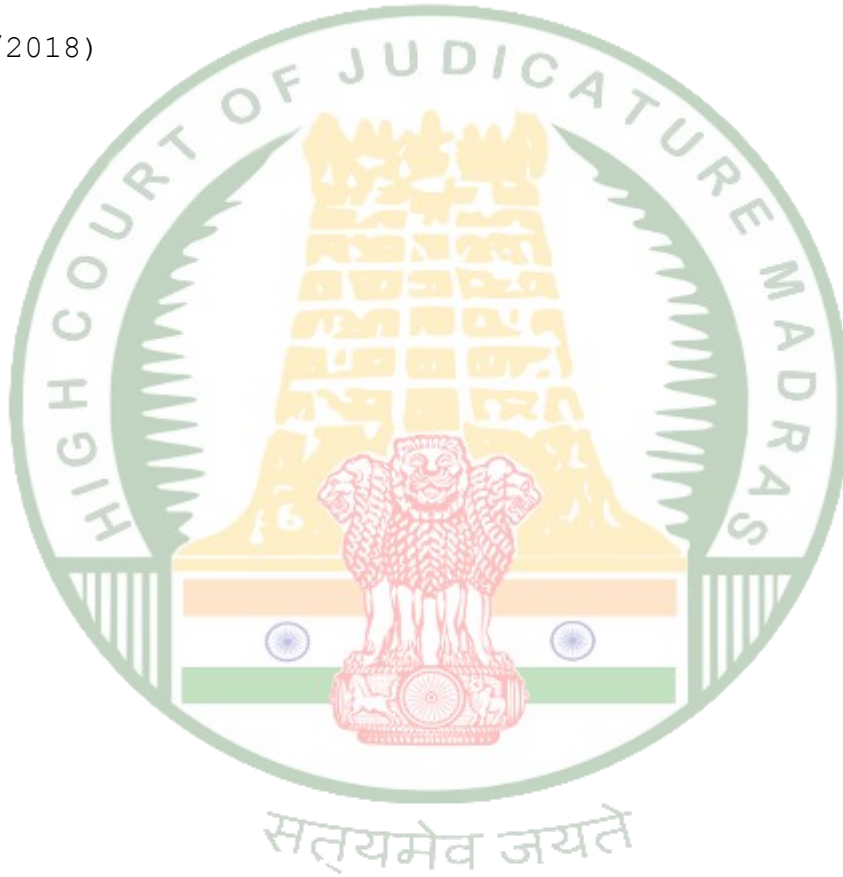
+1cc to Mr.G.Rajan, Advocate, S.R.No.88186

+1cc to Mr.Hema Murali Krishnan, Advocate, S.R.No.87587

+1cc to the Government Pleader, S.R.No.88113

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RRK(05/01/2018)



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