

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.04.2018

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.8321 of 2018

Mrs.M.Sanjeevamma

... Petitioner

-vs-

1.The Senior Account Officer,  
The Principal General Accounts Office (A&E),  
Tamil Nadu, No.361, Anna Salai,  
Chennai - 600 018.

2.The District Educational Officer,  
Krishnagiri District,  
Krishnagiri.

3.The Chief Educational Officer,  
Dharmapuri District,  
Dharmapuri.

4.V.Muniamma

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, to direct the 1 to 3 respondents to consider the petitioners representation dated 02.11.2017 and to provide their shares of arrears family pension amount of petitioners deceased husband R.Venkatappa.

For Petitioner :: Mr.M.P.Saravanan  
For R1 :: Mr.V.Vijay Shankar  
For R2 and R3 :: Mr.P.Raja  
Government Advocate

O R D E R

The relief sought for in this writ petition is to direct the respondents 1 to 3 to consider the representation submitted by the writ petitioner on 02.11.2017, to provide the shares of

arrears family pension amount of petitioners deceased husband R.Venkatappa.

2.The writ petitioner is the second wife of Late R.Venkatappa who was a Government Employee. The fourth respondent Mrs.V.Muniamma, admittedly the first wife of late Shri .R.Venkatappa. The Marriage between the writ petitioner and the deceased employee was solemnized admittedly on 05/02/2017, during the life time of the first Wife. The first marriage between the fourth respondent and the deceased employee was solemnized during the year 1975.

3. Thus, the writ petitioner is admittedly the Second wife of the deceased employee and the marriage was solemnized, during the life time of the first wife. Thus, the marriage itself is null and devoid and therefore, the writ petitioner may not be eligible for family pension, in accordance with the tamil Nadu Pension Rules, 1978. Even, now the fourth respondent, who is the first wife of the deceased employee is alive.

4.This being the factum of the case, the claim of the Writ petitioner for family pension or any share cannot be considered in accordance with the pension rules when this position was explained by this court, the learned coulsel appearing for the writ petitioner has chosen to withdraw the writ petition. Accordingly, permission is granted and the writ petition stands dismissed as withdrawn. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS VIII)

//True copy//

Sub Assistant Registrar

TO

1.The Senior Account Officer,  
The Principal General Accounts Office (A&E),  
Tamil Nadu, No.361, Anna Salai,  
Chennai - 600 018.

2.The District Educational Officer,  
Krishnagiri District,  
Krishnagiri.

3.The Chief Educational Officer,  
Dharmapuri District,  
Dharmapuri.

+1cc to Government Pleader SR.No.27245

W.P.No.8321 of 2018

SS (CO)  
GN (02/05/2018)



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