



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.08.2019

CORAM:

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P. (MD) No. 20456 of 2013

and

M.P. (MD) No. 9870 of 2016

Padmini

... Petitioner

-Vs-

1. The Commissioner,
Dindigul Panchayat Union,
Dindigul, Dindigul District.

2. The Block Development Officer,
Dindigul Panchayat Union,
Dindigul, Dindigul District.

3. Palaniammal

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 and 2 to disburse the terminal and pensionary benefits due to the death of the petitioner's husband namely, (Late) V. Kalimuthu, who was working as Office Assistant at the first respondent office, to the petitioner within a period stipulated by this Court.

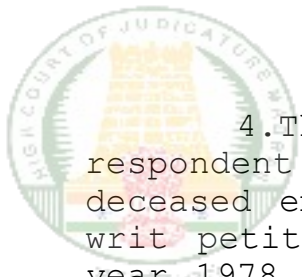
For Petitioner	: Mr. N. Sathish Babu
For R1 and R2	: Mr. D. Muruganatham, Additional Government Pleader.
For R3	: Mr. N. Murugesan

ORDER

The relief sought for in the present Writ Petition is for a direction to direct the respondents 1 and 2 to disburse the terminal and pensionary benefits due to the death of the writ petitioner's husband, namely, V. Kalimuthu.

2. The writ petitioner states that her husband, namely, V. Kalimuthu was employed as Office Assistant in the first respondent Dindigul Panchayat Union and died on 21.02.2013. The writ petitioner claims that she is the wife of the deceased employee and she is entitled for terminal and pensionary benefits due to the deceased employee. The deceased employee passed away on 21.02.2013, on account of cardiac arrest.

3. The learned counsel appearing on behalf of the writ petitioner states that the name of the writ petitioner was nominated by her deceased husband to receive the benefits. Therefore, the benefits are to be settled in favour of the writ petitioner. This apart, the writ petitioner is having two daughters and she has to maintain the children also.



4.The learned counsel appearing on behalf of the third respondent states that the writ petitioner is the second wife of the deceased employee. The fact regarding the second marriage of the writ petitioner with the deceased employee V.Kalimuthu during the year 1978 was admitted. In other words, the marriage between the deceased employee and the writ petitioner was solemnized in the year 1978. During the solemnization of the second marriage, the third respondent / first wife was very much alive. Thus, the second marriage is null and void.

5.The learned counsel appearing on behalf of the third respondent further states that on account of the dispute raised by the writ petitioner, the third respondent is unable to get the terminal and pensionary benefits due to her husband.

6.This Court is of the considered opinion that the second marriage of the deceased employee with the writ petitioner was admittedly, solemnized during the life time of the first wife. Under these circumstances, the first wife alone is entitled to get terminal and pensionary benefits due to the deceased employee. As per the Government Conduct Rules, bigamous marriage is misconceive. This apart, the same is a punishable offence under the Indian Penal Code. Thus, the second marriage during the life time of the spouse is invalid and the second wife or second husband of the Government employee cannot claim family pension. In the present case, the writ petitioner herself admitted that she married the deceased employee during the life time of the first wife.

7.This being factum, the respondents 1 and 2 are bound to settle the terminal and pensionary benefits due to the deceased employee in favour of the third respondent, after submitting proposals in this regard.

8.This being the factum, the third respondent is at liberty to submit her details and other particulars to the respondents 1 and 2, who in turn prepare pension proposals and settle the benefits as expeditiously as possible. Accordingly, the respondents 1 and 2 are directed to get the details of the third respondent, send pension proposals and complete the process and accordingly, settle the terminal and pensionary benefits in favour of the third respondent, within a period of four (4) months from the date of receipt of a copy of this order.

9.Accordingly, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //



To

1.The Commissioner,
Dindigul Panchayat Union,
Dindigul, Dindigul District.

2.The Block Development Officer,
Dindigul Panchayat Union,
Dindigul, Dindigul District.

+1 CC to Mr.N.MURUGESAN, Advocate (SR-84382[F] dated 30/08/2019)
+1 CC to SPL GP (SR-84510[F] dated 30/08/2019)

W.P. (MD) No.20456 of 2013
29.08.2019

MYR

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