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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.16761 of 2015

and

M.P. (MD) Nos.1 and 2 of 2015

Rani

... Petitioner

-Vs-

1.The Revenue Divisional Officer,
Illuppur, Pudukkottai District.

2.The Tahsildar,
Taluk Office,
Kulathur.

3.The Divisional Personnel Officer,
Southern Railway,
Tiruchirappalli Division, Tiruchirappalli.

4.D.Shanthi

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the third respondent not to disburse the terminal benefits of the petitioners's husband to the fourth respondent till the issue of legal heir certificate to the petitioner by the respondents 1 and 2 as per the direction of this Court dated 13.08.2015 passed in W.P. (MD) No.14532 of 2016.

For Petitioner : Mr.T.M.Madasamy

For R1 and R2

: Mr.K.Mu.Muthu,

Additional Government Pleader.

For R3

: Mr.S.Manohar

For R4

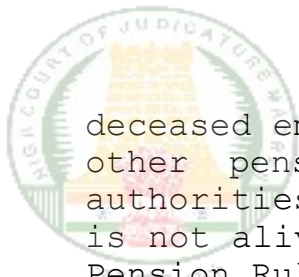
: Mr.R.Narayanan

ORDER

The relief sought for in the present Writ Petition is for a direction to direct the third respondent not to disburse the terminal benefits of the writ petitioner's husband to the fourth respondent, till the issuance of the legal heir certificate.

2.The relief sought for in the present Writ Petition is absolutely, innocuous.

3.The second marriage is not a valid marriage in the eye of law. A public servant during the life time of the first wife cannot marry another women again. Such activity is misconduct under the Tamil Nadu Civil Services (Discipline and Appeal) Rules. However, the fact remains that the writ petitioner is the second wife of the



deceased employee. As per the Pension Rules, the family pension and other pensionary benefits are to be settled by the competent authorities only in favour of the first wife and if the first wife is not alive, then it is to be settled to the legal heirs as per the Pension Rules in force.

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4.This being the legal principles to be followed, the Writ Petition filed by the second wife of the deceased employee cannot be entertained. If at all any family dispute regarding the settlement or otherwise exists, the writ petitioner has to approach the appropriate forum in the manner known to law.

5.With these observations, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Revenue Divisional Officer,
Illuppur, Pudukkottai District.

2.The Tahsildar,
Taluk Office,
Kulathur.

+1 CC to SPL GP SR-70691.

+1 CC to Mr.S.MANO HAR, Advocate SR-70743.

+1 CC to Mr.T.M.MADASAMY, Advocate SR-70779.

W.P(MD)No.16761 of 2015
20.06.2019

CS: (05/07/2019) 2P 6C