



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 26.08.2019
CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD).No.11312 of 2014
and
M.P.(MD)No.1 of 2014

D.Packiyathai

... Petitioner

-Vs-

1. The Tamil Nadu Generation of Electricity and
Distribution Corporation,
(TANGEDCO) represented by the
Superintending Engineer,
Thoothukudi Electricity Distribution Circle,
Thoothukudi.

2. Paripooranam

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the order passed by the 1st respondent, dated 03.02.2014 in க.எண்.001074/024/நி.பி.2/உ.4/கோ.தனி/2014 and subsequent order dated 02.06.2014 in க.எண். 015230/414/நி.பி.2/உ.4/கோ.தனி/2014 and quash the same and consequently direct the respondents to grant family pension to the petitioner.

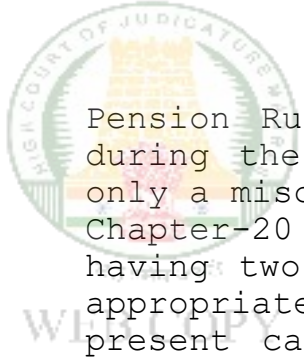
For Petitioner : Mr.N.Dilip Kumar

For Respondents : Mr.A.U.Ramanathan (for R1)
No Appearance (For R2)

ORDER

The order of rejection, rejecting the claim of the writ petitioner for grant of family pension, is under challenge in the present writ petition.

2.The writ petitioner states that her husband Mr.A.Deva Irakkam Nadar was employed in the Tamil Nadu Electricity Board and retired as Foreman-Grade I, an attaining the age of superannuation 31.05.1995. After his retirement, the employee who was receiving the pension, had subsequently died on 10.07.2013. The writ petitioner claims that her husband previously married Tmt.Paripooranam and out of the said wedlock four children were born to them. Thereafter, the deceased employee married the writ petitioner on 29.10.1972 and she has got a girl child also. Thus, it is an admitted fact that the writ petitioner is the second wife of the deceased employee. As per the provisions of the Tamil Nadu



Pension Rules, an employee cannot contract for a second marriage during the lifetime of the first wife. Bigamous marriage is not only a misconduct under the service rules, but also punishable under Chapter-20 of the Indian Penal Code. Thus, the Government servant having two wife, even he is not entitled to continue in service, appropriate disciplinary actions ought to have been taken in the present case. The deceased employee was allowed to retire from service and he was receiving pension and died on 10.07.2013. When the second marriage was solemnized during the lifetime of the first wife, the marriage itself is null and void and therefore, the writ petitioner is not entitled for family pension in accordance with the provisions of the Tamil Nadu Pension Rules as well as the Board proceedings. The reasons stated in the impugned order, undoubtedly, are candid and in consonance with the provisions of the pension rules in force. Thus, there is no infirmity as such. When the affidavit filed in support of the writ petition itself states that the writ petitioner is the second wife of the deceased employee and that the second marriage was solemnized during the lifetime of the first wife, the second marriage is null and void and the writ petitioner is not entitled for the family pension, as claimed.

3.The learned counsel appearing on behalf of the first respondent states that the first wife is receiving the family pension and all other benefits. Thus, the claim of the writ petitioner cannot be considered as the same is devoid of merits.

4.Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (crl.side)

// True Copy //

Sub Assistant Registrar(CS)

+1 CC to Mr.N. DILIP KUMAR, Advocate (SR-83593[F] dated 27/08/2019)

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26.08.2019

sj i

MK (18.09.2019) 2P 2C