



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 18.07.2019
CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WEB COPY

W.P[MD]No.11578 of 2014

Pushpalatha

... Petitioner

Vs.

1.The Principal Accountant General,
Office of the Principal Accountant General (A&E)
No.261, Anna Salai, Chennai.

2.The District Forest Officer,
Varusanadu Soil Conservation Office,
Theni Division,
N.R.T. Nagar, Theni.

3.The Treasury Officer,
Madurai.

4.The Assistant Treasury Officer,
Mellur Post & Taluk,
Madurai District.

... Respondents

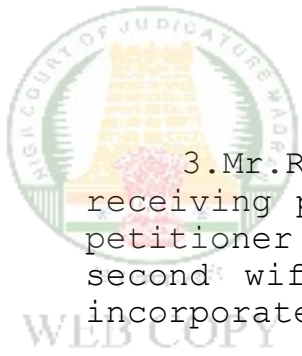
PRAYER: Writ Petition filed under Article 226 of the of India for issuance of a Writ of Mandamus, directing the first respondent to pass necessary orders in favour of the petitioner thereby including her name as wife in the pension payment order of her husband Rajamanickam (Pension Payment Order No.950526) by considering the petitioner's representation dated 20.11.2013.

For Petitioner	: Mr.P.Ganapathi Subramanian
For R 1	: Mr.P.Ganasekaran
For R 2 to R4	: Mr.D.Muruganandham
	Additional Government Pleader

ORDER

The relief sought for in the present writ petition is for a direction to direct the first respondent to pass necessary orders in favour of the petitioner including her name as a legally wedded wife in the pension payment order of her husband Rajamanickam by considering the petitioner's representation dated 20.11.2013.

2.The husband of the writ petitioner was employed as a Forester and retired from service on 31.01.1996., on attaining the age of superannuation. Under these circumstances, the writ petitioner who is the second wife of Rajamanickam, claims that her name should be included as a nominee in the pension book as well as the service records of Rajamanickam.



3.Mr.Rajamanickam, who was employed as Forester is now receiving pension from the Government. He is a state pensioner. The petitioner filed the writ petition on the ground that she is the second wife of the pensioner and therefore, her name is to be incorporated as nominee in the pension book.

4.Learned Additional Government Pleader as well as the learned Standing Counsel appearing on behalf of the Accountant General of Tamil Nadu, made a submission that the writ petitioner admittedly is the second wife of the pensioner. The second marriage was solemnised during the life time of the first wife. When the second marriage with the writ petitioner was solemnised during the life time of the first wife, the second marriage is null and void and therefore, the writ petitioner cannot be considered as a legally wedded wife of the employee.

5.The legal principles in this regard are settled by the Division Bench of this Court in the case of **R.Rajathi Vs. Superintendent Engineer, TANGEDCO** reported in (2018) 5 MLJ 385. Even as per the pension rules, during the life time of the first wife, any marriage solemnised by the employee cannot be considered as a valid marriage and the spouse is not entitled for any family pension. In the present case on hand, the writ petitioner married the employee during the life time of the first wife of the employee. This being the factum, the direction sought for to include the name of the writ petitioner as nominee in the pension book cannot be considered at all.

6.Accordingly, the writ petition is devoid of merits and the same stands dismissed. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Principal Accountant General,Office of the Principal Accountant General (A&E)No.261, Anna Salai, Chennai.
 - 2.The District Forest Officer,Varusanadu Soil Conservation Office, Theni Division,N.R.T. Nagar, Theni.
 - 3.The Treasury Officer,Madurai.
 - 4.The Assistant Treasury Officer,Mellur Post & Taluk, Madurai District.
- +1cc to the Spl.Govt.Pleader Sr.No.76288

MR

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