

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 26.08.2019****CORAM:****THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM****W.P. (MD) No.13665 of 2015****WEB COPY**

P.Mahadevan

... Petitioner

vs.

1.The Principal Accountant General
(Accounts and Entitlements)
No.361, Anna Salai
Chennai-600 018

2.The Principal Chief Conservator of Forests
Panagal Maaligai
Jeenis Road, Saidapet
Chennai-600 015

3.The District Forest Officer
Dindigul Division
Dindigul-624 004

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus calling for the records pertaining to the impugned order passed by the 1st respondent in PEN 21/1/Rev/12112034/14-15/ADK, dated 18.02.2015, quash the same and consequently direct the respondents to include the name of the second wife M.Chithra as nominee for receiving family pension.

For Petitioner : Mr.S.P.Naveen Kumar

For Respondents : Mr.P.Gunasekaran for R1

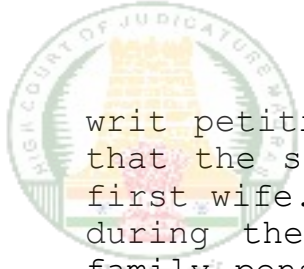
Mr.M.Jeyakumar

Additional Government Pleader for R2 & R3

O R D E R

The order of rejection, dated 18.02.2015, passed by the first respondent, rejecting the claim of the writ petitioner for grant of family pension, is under challenge in the present writ petition.

2. The writ petitioner was employed as Forest Guard in the Forest Department and subsequently, promoted to the post of Forester. He reached the age of superannuation and retired from service during the year 2011. It is an admitted fact that the writ petitioner entered into a contract of second marriage with the woman and during the relevant point of time, the first wife was alive. The writ petitioner states that he married Smt.Chitra as second wife on 22.08.1999 and through her, he got two children. The writ petitioner submitted an application to enter the name of the second wife as the nominee in the service records and the said claim of the



writ petitioner was rejected by the first respondent on the ground that the second marriage was solemnized during the lifetime of the first wife. As per the Pension Rules in force, the second marriage, during the lifetime of the first wife, is null and void and no family pension can be granted to the second wife. This apart, the marriage itself is null and void and therefore, the second wife cannot be nominated for the purpose of receiving family pension in accordance with the provisions of the Tamil Nadu Pension Rules, 1978.

3. This Court is of the considered opinion that the writ petitioner himself has admitted in the affidavit filed in support of the writ petition that the first marriage between himself and one Smt.Thilagamani was solemnized on 09.04.1979 and the second marriage with Smt.Chitra was solemnized on 22.08.1999 during the lifetime of the first wife. This being the factum admitted in the affidavit filed in support of the writ petition, this Court is of the considered opinion that there is no infirmity as such in respect of the rejection order passed by the first respondent. However, the writ petitioner is receiving pension and under these circumstances, entering the name of the second wife as nominee for the purpose of family pension cannot be considered and it was rightly rejected by the first respondent. Thus, there is no infirmity in the impugned order of rejection passed by the first respondent.

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

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Principal Chief Conservator of Forests,
Panagal Maaligai,
Jeenis Road, Saidapet,
Chennai-600 015.

2.The District Forest Officer,
Dindigul Division,
Dindigul-624 004.

+1 CC to Mr.P. GUNA SEKARAN, Advocate (SR-83452[F] dated 27/08/2019)

+1 CC to SPL GP (SR-83575[F] dated 27/08/2019)

W.P. (MD) No.13665 of 2015
26.08.2019