



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.08.2019

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P[MD]No.9749 of 2014

S.Lalitha

... Petitioner

Vs.

1. The Superintending Engineer,
Office of the Superintending Engineer,
Tamil Nadu Water Supply and Drainage Board,
Thanjavur District.

2. The Administrative Officer,
Tamil Nadu Water Supply and Drainage Board,
Thanjavur District.

3. The Manager,
State Bank of India,
Mandarakupam Branch,
Neyveli.

4. Pappammal

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records in pursuant to the impugned order in Ka.No.2254/A3/M.Poo.Thanjai/2013 dated 15.07.2013 issued by the first respondent and quash the same as illegal and consequently direct the respondents 1 and 2 to disburse the pension in equal share to me and to the fourth respondent herein.

For Petitioner	: Mr.R.Senthil Kumar
For Respondents 1 & 2	: Ms.Porkodi Karnan
For Respondent No.3	: No appearance
For Respondent No.4	: Mr.F.X.Eugene

O R D E R

The order dated 15.07.2013, rejecting the claim of the writ petitioner for grant of family pension is under challenge in the present writ petition.

2.Admittedly, the writ petitioner is the second wife of the deceased employee Late.Subramani. Learned Counsel for the writ



petitioner states that the deceased employee married the writ petitioner during the year 1984. It is an admitted fact that prior to the solemnisation of the marriage between the writ petitioner and the deceased employee, the deceased employee got married with the fourth respondent. In other words during the life time of the first wife, the deceased employee married the writ petitioner as second wife. Consequent to the death of the deceased employee, the fourth respondent who is the first wife of the deceased employee was sanctioned with the family pension and she was continuously receiving the family pension as per the Tamil Pension Rules, 1978. It is brought to the notice of this Court that the first wife also died in the year 2015 and after the demise of the fourth respondent, now the writ petitioner claims that the family pension is to be paid to her.

3.Second marriage between the deceased Government employee and the writ petitioner is null and void. Further, a public servant cannot enter into a contract of second marriage during the life time of the first wife. It is not only a misconduct but also a punishable offence under Chapter 20 of the Indian Penal Code. Thus, a public servant entering into a contract of second marriage during the life time of the first wife is a misconduct as well as a punishable offence under the criminal law. This being the legal principle, the solemnisation of marriage between the writ petitioner and the deceased employee during the year 1984 more specifically when the first wife was alive is null and void and cannot be construed as a valid marriage. Thus, the second marriage of the deceased employee is not acceptable for any family pension under the provisions of the Tamil Nadu Pension Rules. Since the second marriage was solemnised during the year 1984, the writ petitioner cannot claim family pension under the Tamil Nadu Pension Rules. Rightly, the family pension was granted in favour of the fourth respondent / first wife and she died during the year 2015 and accordingly, the reasons stated in the impugned order is in consonance with the provisions of the pension rules and there is no infirmity as such.

4.Accordingly, the Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Superintending Engineer,
Office of the Superintending Engineer,
Tamil Nadu Water Supply and Drainage Board,
Thanjavur District.

<https://hcservices.ecourts.gov.in/hcservices/>



2. The Administrative Officer,
Tamil Nadu Water Supply and Drainage Board,
Thanjavur District.

+1 CC to Mr.PORKODI KARNAN, Advocate(SR-80547[F]dated 08/08/2019)

+1 CC to Mr.R.SENTHIL KUMAR, Advocate(SR-80844[F]dated 09/08/2019)

+1 CC to SPL GP (SR-81157[F] dated 09/08/2019)

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MR

VB(14.10.2019) 3P 6C