

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.18134 of 2009
and M.P.No.1 of 2009

Muniammal (died)

1. J.Koil Pitchai
2. J.Daniel
3. J.Muniyandi @ Jayasundar ...Petitioners

(Petitioners 1 to 3 substituted by an order of this Court dated 27.02.2014 in M.P.No.1 of 2013)

vs.

1. The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.
2. The Sub-Treasury Officer,
Aruppukottai,
Virudunagar District.
3. The District Collector,
Tirunelveli Kattabomman District,
Tirunelveli.
4. The Accountant General,
Teynampet, Anna Salai,
Chennai - 18. ...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus directing the 4th Respondent namely the Accountant General, Teynampet, Anna Salai, Chennai - 18, to sanction the family pension of Late Jebamani to the Petitioner.

For Petitioner	:	Mr.S.Nambirajan and Mr.Kannan
For Respondents 1 to 3	:	Mr.K.Magesh, Special Government Pleader
For 4 th Respondent	:	Ms.T.S.Selvarani

O R D E R

Petitioner has come up with the present Writ Petition seeking a direction to the 4th Respondent/Accountant General, Teynampet, Anna Salai, Chennai - 18 to sanction the family pension of Late Jebamani, to her.

2. Heard the learned counsel on either side and perused the material documents available on record.

3. It is seen that, the Petitioner viz. Muniammal died on 23.05.2011 during the pendency of this Writ Petition. This Court, on 27.02.2014 has ordered the Substitution Petition in M.P.No.1 of 2013 seeking permission to bring the legal heirs of the deceased Petitioner, on record. Accordingly, the legal heirs of the deceased Petitioner have been brought on record.

4. The Petitioner viz. Muniammal claims to be the wife of Late Jebamani, who was employed in the Police Department. He had already married one Ruth Grace and thereafter, managed to marry the Petitioner herein. After the demise of Jebamani, the Petitioner herein has claimed the former's pensionary benefits and she obtained Succession Certificate by filing Original Petition No.1 of 1986 before the District Munsif Court, Aruppukottai.

5. It is an admitted fact that, the first wife of Late Jebamani viz. Ruth Grace has given 'No Objection Certificate' for inclusion of the Petitioner's name for the purpose of claiming pensionary benefits. Merely because the first wife of Late Jebamani has given consent to the Petitioner Muniyammal to receive the pensionary benefits of her husband and that, the second marriage of Late Jebamani with the Petitioner took place with the consent of his first wife, at no stretch of imagination, the Petitioner can be called the legally wedded wife of Late Jebamani. It is also pointed out that, the first wife of Late Jebamani, viz. Ruth Grace passed away on 29.10.1999.

6. As per Pension Rules, pensionary benefits of a deceased employee can be extended only to his wife and children, or such other person mentioned in the Pension Regulations, and not to his second wife. In cases, where the children of the deceased are drawing pension, restrictions are such that, it is only till 25 years for a male and for a female, till the date of her marriage. In the case on hand, though the Petitioner has obtained Succession Certificate in her favour, arrears of pension and pensionary benefits, cannot be treated as property in this case.

7. Hence, in terms of the Rules applicable, the deceased Petitioner Muniyammal cannot be construed as the legally wedded wife of the deceased Jebamani, for the purpose of getting pensionary benefits, as the second marriage is said to have taken place during the subsistence of the first marriage. This Court is of the view that, the Writ Petition itself cannot be entertained and no relief can be granted.

In fine, the Writ Petition stands dismissed as devoid of merits. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To:

1. The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.
2. The Sub-Treasury Officer,
Aruppukottai,
Virudunagar District.
3. The District collector,
Tirunelveli Kattabomman District,
Tirunelveli.
4. The Accountant General,
Teynampet, Anna Salai,
Chennai - 18.

+1cc to the Government Pleader, S.R.No.32158

W.P.No.18134 of 2009
and M.P.No.1 of 2009

BR(CO)
RV(24/11/2020)

WEB COPY