



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.17753 of 2015

WEB COPY

R.Mala

... Petitioner

Vs.

1.The Director of Pension
No.259, Anna Salai III Block-2nd Floor,
DMS Campus, Teynampet,
Chennai - 600 006.

2.The Accountant General,
(Accounts & Entitlements) Tamil Nadu
No.361, Anna Salai,
Chennai - 600 018.

3.The District Educational Officer,
Cheranmahadevi
Tirunelveli District.

4.The Headmaster,
Govt.Higher Secondary School,
Thalapathy Samuthram,
Nanguneri Taluk,
Tirunelveli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the 4th Respondent in Na.Ka.No.135/15, dated 28.08.2015 and quash the same and consequently direct the 4th respondent to forward the petitioner's husband's service proposal to the 1st and 2nd respondents so as to enable the petitioner to get the family pension and further direct the 1st and 2nd respondents to disburse the family pension to the petitioner along with arrears and consequent monthly family pension within the time stipulated by this Court.

For Petitioner : Mr.A.Rajaram

For Respondents : Mr.J.Gunaseelan Muthiah
(R1, R3 & R4) Addl.Govt.Pleader

For Respondent-2 : Mr.P.Gunasekaran



O R D E R

The impugned order states that as per the nomination entered in the Service Records of the deceased employee Mr.P.Rajendran, one Smt.Lakshmi is stated as the legally wedded wife of the deceased employee. The whereabouts of the first wife Smt.Lakshmi is not known to the petitioner. The petitioner has not impleaded the said Lakshmi, as party in the present Writ Petition. However, the petitioner admits that she is the 2nd wife of the deceased employee. This being the factum, the petitioner is bound to submit proof in support of her claim, failing which, the Authority could not be in a position to consider the case of the writ petitioner for claiming family pension.

2. For claiming Family Pension, the petitioner has to establish that she is the legally wedded wife of the deceased employee. When the nomination shows that one Smt.Lakshmi is the legally wedded wife, then the petitioner has to produce all the relevant record for the purpose of considering her application. The impugned order is in consonance with the entries made in the Service Register. In the event of any dispute, the petitioner has to approach the competent Court of Law for redressal of her grievances. Contrarily, Family Pension cannot be granted with this ambiguities and it is to be considered strictly in accordance with the Pension Rules in force. Thus, the petitioner is at liberty to approach the Authority along with all the relevant documents, which are all required for the purpose of considering the case, in accordance with the Pension Rules.

3. With these clarifications, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (Records)

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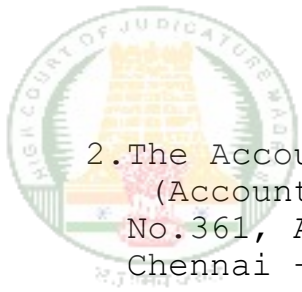
/ /2020

Sub Assistant Registrar(CS)

MPK

To

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+1 CC to SGP (SR-24375[F] dated 08/12/2020)

+1 CC to M/s.A.RAJARAM, Advocate (SR-24345[F] dated 08/12/2020)

W.P. (MD)No.17753 of 2015

07.12.2020

KUN (CO)

NR (21/12/2020) 3P : 7C