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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2021

CORAM

THE HON'BLE MR. JUSTICE S.S.SUNDAR

W.P.No. 13018 of 2021

Elizabeth

..Petitioner

Vs

1. The Superintending Engineer,
General Construction Circle (SE/GCC/Salem),
Tamil Nadu Electricity Board,
Kamaraj Nagar Colony,
Aathur Bypass Road,
Salem 14.
2. The Deputy Chief Local Fund Audit Officer,
Audit Branch (Pension),
Chennai - 600 002.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the first respondent vide Ka.No.1365/Nee.pi.1/Nee.Vuu.2/Kho.Ku.O./2020, dated 20.04.2020 and quash the same consequently direct the 1st respondent to pay the accumulated arrears of Family Pension payable from the date of death of the petitioner's husband Varathan, till the monthly family pension is paid along with interest at the rate of 12 % p.a.

For Petitioner : Mr.T.Muruganantham

For Respondents : Mr.Karthik Raja (for R1)
No appearance (for R2)

O R D E R

This Writ Petition is filed, to quash the proceedings of the first respondent vide Ka.No.1365/Nee.pi.1/Nee.vuu.2/Kho.Ku.O./2020, dated 20.04.2020 and for a consequential direction to the 1st respondent to pay accumulated arrears of Family Pension payable from the date of death of the petitioner's husband



2. The petitioner states that the marriage between the petitioner and her husband Varathan was solemnized on 11.04.1985 and the same was registered at Joint Sub Registrar Office - II, Vellore. The petitioner claims to be the 2nd wife of the said Varathan who died on 26.11.2014. It is also stated by the petitioner that the first wife of said Varathan died on 10.08.2012. Though the petitioner produced the legal heirship certificate issued to the petitioner showing her and her two children as legal heirs of said Varathan before the Authority concerned, the 1st respondent rejected the application for Family Pension on the ground that there was no proof to show that the petitioner is the 2nd wife of the said Varathan and that the said Varathan had already nominated his first wife and daughter as the persons eligible to get Family Pension. The said order of the 1st respondent is put to challenge in the present Writ Petition.

4. This Court carefully considered the submissions of the counsel for the petitioner.

6. As far as the petitioner is concerned, this Court cannot recognize her as the 2nd wife, and not to let her claim over the retirement benefits of the deceased Varathan which are payable upon the death of the said Varathan.



7. In view of the above, this Court does not find any merits in the Writ Petition and hence the same is dismissed. No costs.

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Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

vum

To

1. The Superintending Engineer,
General Construction Circle (SE/GCC/Salem),
Tamil Nadu Electricity Board,
Kamaraj Nagar Colony,
Aathur Bypass Road,
Salem 14.
2. The Deputy Chief Local Fund Audit Officer,
Audit Branch (Pension),
Chennai - 600 002.

+1cc to Mr.Karthik Raja, Advocate, S.R.No.29240
+1cc to Mr.T.Muruganantham, Advocate, S.R.No.29321

W.P.No. 13018 of 2021

UM(CO)
RGA(19/07/2021)