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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.18406 of 2014

and

M.P.No.1 of 2014

Nagalakshmi

...Petitioner

Vs

- 1.The Special Tahsildar,
Adi-Dravidar Welfare Department,
Kallakurichi, Villupuram District.
- 2.The Treasury Officer,
Sankarapuram Treasury Office,
Sankarapuram, Villupuram District.
- 3.The Treasury Officer,
Kallakurichi, Villupuram District.
- 4.The District Adi-Dravidar Welfare Officer,
Collectorate, Villupuram.
- 5.The Principal Accountant General A&E,
Teynampettai, Chennai - 18.
- 6.Purushothaman @ Paul Poras.

...Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing respondents 1 to 5 to enter the name of the petitioner as wife of 6th respondent eligible to seek payment of pension and other benefits in the service register of 6th respondent.

For Petitioner : Mr.R.M.P.Nasurullah
for Mr.R.Gururaj

For Respondents
R1 to R4 : Mr.C.Sathish
Government Advocate



R5
R6

: Mrs.T.S.Selvarani
: Mrr.K.Govindaraj

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O R D E R

The writ on hand has been instituted to issue a writ of Mandamus, directing the respondents 1 to 5 to enter the name of the petitioner as wife of the 6th respondent eligible to receive payment of pension.

2.The petitioner states that she is the legally wedded wife of one Mr.Purushothaman @ Paul Poras. The husband of the petitioner worked as Tutor-cum-Warden in Government Tribal Boys Hostel, Pudupattu, Villupuram and retired from service on 31.03.2013 on attaining the age of superannuation.

3.The learned counsel appearing for the 5th respondent made a submission that Mr.Purushothaman @ Paul Poras is very much alive and he is receiving the monthly pension. While so, the petitioner cannot seek any prayer for grant of pension in her favour.

4.Regarding the claim of the writ petitioner, the fifth respondent filed a counter stating that as per the service records of Mr.Purushothaman @ Paul Poruse, one Smt.Pushparani was identified as his wife, besides, three sons by name Shri.P.Prabhu, Shri.P.Prasath and Shri.P.Prasanna were also included as family members. However, the petitioner also made a representation on 27.05.2014 claiming herself as wife of Mr.L.Paul Poruse including the copies of wedding invitation and ration card. As there was an ambiguity as to who is the legally wedded wife of Mr.Purushothaman @ Paul Poruse, a Single Pension Payment Order was issued without identifying the eligible beneficiary for family pension. Thus, the fifth respondent is paying the pension to the pensioner, who is a retired employee. In respect of the dispute between the petitioner and Smt.Pushparani, it is for the parties to establish their marriage before the competent Court of law or otherwise, the nomination given by the employee in the service register is to be followed.

5.This Court is of the considered opinion that during the lifetime of the pensioner, wife cannot claim family pension. No doubt the petitioner seeks inclusion of her name in the service records. When the name of Smt.Pushparani is already entered in the service register and if at all, the petitioner claims that



she is the first legally wedded wife of the employee, it is for her to approach the competent Civil Court of law to establish her rights in the manner known to law.

6. With this liberty, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

cse
To

1. The Special Tahsildar,
Adi-Dravidar Welfare Department,
Kallakurichi, Villupuram District.
2. The Treasury Officer,
Sankarapuram Treasury Office,
Sankarapuram, Villupuram District.
3. The Treasury Officer,
Kallakurichi, Villupuram District.
4. The District Adi-Dravidar Welfare Officer,
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5. The Principal Accountant General A&E,
Teynampettai, Chennai - 18.

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KG(CO)
SP(27/12/2021)