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W.P.No.1214 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:16.12.2022

Coram

The HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P.No.1214 of 2022

P.Sundari

.. Petitioner

VS

1.The Director
Fire & Rescue Department,
Egmore, Chennai – 600 008.

2.The Assistant Director,
Fire & Rescue Department,
North West Zone,
Vellore, Vellore District.

3.The District Officer,
District Fire & Rescue Department,
Tiruvannamalai.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorari calling for the records of the third respondent in his proceeding in No.Pa.Aa.No.05/2022 – Na.Ka.No.9268/Aa1/2006 dated 03.01.2022 and to quash the same.

For Petitioner : Ms.R.Kalaiyarasi

For Respondents : Mr.D.Ravichander
Special Government Pleader



W.P.No.1214 of 2022

WEB COPY

ORDER

This writ petition has been filed, challenging the impugned order dated 03.01.2022 passed by the third respondent rejecting the petitioner's request for family pension on account of death of the deceased employee – L.Ponnusamy.

2. The petitioner claims that she is the legally wedded wife of the deceased employee – L.Ponnusamy. Under the impugned order, family pension sought for by the petitioner has been rejected on the ground that the petitioner is not the legally wedded wife of the deceased employee. Admittedly, the petitioner is a Hindu and she has obtained divorce in H.M.O.P. No.55 of 1994 by order dated 17.10.1994 passed by the Sub Court, Thiruvannamalai on the ground of cruelty.

3. Admittedly, the petitioner's ex-husband L.Ponnusamy died on 30.10.2002 while he was in employment. Since the petitioner had obtained divorce even prior to the date of death of L.Ponnusamy, she cannot claim family pension though she may contend that she was



W.P.No.1214 of 2022

living with Ponnusamy till his death. The judgment of Madurai Bench of this Court dated 26.08.2020 in W.P. (MD) No.19997 of 2013 relied upon by the learned counsel for the petitioner does not have any bearing to the facts of the instant case. That was a case involving a Christian who had obtained judicial separation on the ground of adultery under the provisions of the Indian Divorce Act which is applicable to Christians. However, the petitioner is admittedly a Hindu and further the marriage with her husband has been legally dissolved by virtue of a Family Court decree. The third respondent, under the impugned order, has rightly rejected the petitioner's request for payment of family pension on account of death of the deceased employee L.Ponnusamy.

4. This Court does not find any merit in this writ petition. Accordingly, the writ petition stands dismissed. No costs.

16.12.2022

Index:Yes/No
mmi

To

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Fire & Rescue Department,

3/5



W.P.No.1214 of 2022

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W.P.No.1214 of 2022

ABDUL QUDDHOSE,J.

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W.P.No.1214 of 2022

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