



W.P. No.10355of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2022

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. No.10355 of 2019

Selvi

... Petitioner

Vs.

The General Manager,
Tamil Nadu Government Transport
Corporation, Villupuram Limited,
Rangapuram, Vellore,
Vellore District.

... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondent to disburse of the family pension of the petitioner's husband (late) Vijayarangam from 15.01.2008 along with interest for the belated payment within stipulated period.

For Petitioner : Mr.M.Sathish Kumar

For Respondents : Mr.M.Aswin
Standing Counsel

ORDER

The prayer sought for herein is for a writ of mandamus directing the respondent to disburse the family pension of the petitioner's husband (late) Vijayarangam from 15.01.2008 along with interest for the belated



W.P. No.10355of 2019

payment within stipulated period.

WEB COPY

2. The petitioner husband one Vijayarangam was working as Conductor from 1980 at the respondent Corporation and he retired from service on superannuation on 28.02.2002. After his retirement he survived only for few years and died on 15.01.2008. After his demise according to the petitioner, he left the family consisting of the petitioner being the wife and three children. In order to survive this family, the petitioner was expecting the family pension payable to the petitioner being the wife of the deceased employee and the same since has not been paid or disbursed by the respondent Corporation, she has given a representation through her counsel on 17.02.2018 and the same since was not considered, she has approached this Court by filing the present writ petition.

3. Heard Mr.M.Aswin, learned Standing Counsel appearing for the respondent who on instruction would submit that, after the retirement the deceased employee who was receiving pension till 31.01.2008, as he died on 15.01.2008, from 01.02.2008 the pension payment was stopped.



W.P. No.10355of 2019

4. Insofar as the claim of the petitioner is concerned who is the second wife of the deceased employee as the first wife of the employee was one Jagathambal who died only on 02.11.1991 and the marriage which was claimed to have been solemnised between the petitioner and the deceased employee was on 18.01.1989 and therefore while the first marriage was subsisting the second marriage taken place by virtue of that the petitioner cannot claim as a legally wedded wife to succeed the estate of the petitioner for the purpose of getting the family pension. Therefore, on that ground the plea raised by the petitioner can be denied.

5. However, Mr.M.Sathish Kumar, learned counsel appearing for the petitioner would submit that as per the death certificate, the first wife Jagathambal died on 02.11.1981 itself and well after the demise of the first wife only in the year 1989 the petitioner was married with the deceased employee as a second wife and therefore the marriage solemnized between them and registered in this regard under the relevant provisions of law is a valid marriage, therefore the petitioner being the only survived legally wedded wife is fully entitled to get the pensionary benefits payable to the deceased employee.

6. I have considered the said rival submissions made by both sides



W.P. No.10355of 2019

and have perused the materials placed before this Court.

WEB COPY

7. In view of the claim now made by the petitioner that she is the only legally wedded wife as the first wife died as early as on 02.11.1981, the said factor can be verified by the respondent and in this regard after verifying the same whether the petitioner would be entitled to get family pension as claimed and in this regard her representation made through her counsel on 17.02.2018 shall be considered and disposed of on merits within a time frame.

8. In that view of the matter, this Court is inclined to dispose of this writ petition with the following orders:

That there shall be a direction to the respondent to consider the representation of the petitioner dated 15.01.2008 submitted through the counsel of the petitioner and decide the same on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order and communicate the said decision to the petitioner within the said time.



W.P. No.10355of 2019

9. With this direction, this Writ Petition is disposed of. No costs.

WEB COPY

02.09.2022

Index : Yes / No

Speaking Order : Yes / No

Sgl

To

The General Manager,
Tamil Nadu Government
Transport Corporation,
Villupuram Limited,
Rangapuram, Vellore,
Vellore District.



WEB COPY



W.P. No.10355of 2019

R.SURESH KUMAR, J.

Sgl

W.P. No.10355 of 2019

02.09.2022