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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2022

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No. 3794 of 2014

Pushpavalli

... Petitioner

-Vs-

1. The Accountant General of Tamil Nadu,
Teynampet,
Chennai - 600 018.

2. The Chief Educational Officer,
Krishnagiri District,
Krishnagiri.

3. The District Educational Officer,
Krishnagiri District,
Krishnagiri.

4. S.R.Kalaimani

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents 1 to 3 to include the petitioner's name P.Pushpavalli and her children namely Sivasahankar and Vijayabhaskar in the Service Register of the fourth respondent as wife and sons and to disburse the monetary benefits which are entitled to the petitioner.

For Petitioner : Mr.C.Prabakaran

For Respondents: M/s.T.S.Selvarani (for R.1)
Mr.S.Prabhakaran (for R.2 & R.3)
Special Government Pleader
Mr.N.E.A.Dinesh (for R.4)

ORDER

The relief sought for in the present writ petition is to direct the respondent to include the petitioners name Pushpavalli and her children Sivasankar and Vijayabhaskar as wife and sons to disburse the monetary benefits which are entitled to the petitioner.



2. The petitioner states that she is the wife of Mr.S.R.Kalaimani who was working as Junior Assistant in the Higher Secondary School and retired from service on 31.01.2013. The grievance of the writ petitioner is that her name was not included as nominee in the service records of her husband and further she is entitled to the terminal benefits.

3. The learned counsel for the first respondent made a submission that the pensioner is very much alive and therefore the writ petitioner is not entitled for any relief relating to the pensionary benefits. Only after the life time of the pensioner, the spouse will be entitled for the family pension and other related benefits. The retired Government servant Mr.S.R.Kalaimani in his letter dated 02.08.2013 addressed to the Department that he is unable to attach the spouse photo as they are living separately for 11 years and he has submitted single photo for the purpose of pension. Accordingly pension was sanctioned by the competent authority.

4. In the pension proposal itself, the husband of the petitioner has stated that his wife's whereabouts was not known and she will be entitled for pension after his life. Therefore, the retired employee has stated that he is unable to trace out his wife at the time when he submitted pension proposals and his wife will be entitled for family pension after his life time. Thus, the petitioner has to establish her right only after the lifetime of the pensioner who was an employee in Government School.

5. During the life time of the pensioner, the petitioner is the wife and can claim any terminal or pensionary benefits. Even for inclusion of her name in the pension records as nominee, the petitioner has to approach the competent departmental authorities and submit necessary proposals to the first respondent for appropriate action. For the said purpose, the petitioner has to establish that she is the legally wedded wife of the retired Government employee. All such factors require examination of documents and evidences which cannot be undertaken by this Court under writ jurisdiction under Article 226 of the Constitution of India. Thus, for inclusion of the name of the writ petitioner as wife of the writ petitioner, she has to approach the competent authority with all relevant documents.



6. With the above observations, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition stands closed.

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Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

mrm

To

1. The Accountant General of Tamil Nadu,
Teynampet,
Chennai - 600 018.
2. The Chief Educational Officer,
Krishnagiri District,
Krishnagiri.
3. The District Educational Officer,
Krishnagiri District,
Krishnagiri.

+1cc to Mr.C.Prabakaran, Advocate, S.R.No.32655

+1cc to Mr.V.Nicholas, Advocate, S.R.No.32371

W.P.No.3794 of 2014

SR(CO)
UMA(17/06/2022)