



WEB COPY

W.P.No.15035 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.15035 of 2017

R.Pandiarani

... Petitioner

Vs.

Chennai Port Trust,
rep. by its
Chairman / Chief Executive Officer
Rajaji Street
Chennai 600 001.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to consider and pass orders on the representation of the petitioner dated 01.06.2016 in respect of family pension of petitioner's husband late K.P.Ramasamy who was working as Mazdoor (PPO No.2392 (DLB) in the respondent Port Trust in accordance with law.

For Petitioner

: Ms.Jayshree Dharbar
For Mr.M.Mohamed Riyaz

For Respondent

: Mr.S.Haja Mohideengisthi
Standing Counsel



ORDER

The relief sought for in the present writ petition is to direct the respondent to consider and pass orders on the representation submitted by the writ petitioner on 01.06.2016 for grant of family pension.

2. The petitioner states that her husband Late Mr.K.P.Ramasamy was employed as Mazdoor (Chd) Traffic (Chd) in the respondent Port Trust and retired from service on 01.07.1997. The husband of the petitioner was receiving pension and subsequently, he died on 26.05.2014.

3. Ms. Jayshree Dharbar, learned counsel for Mr.M.Mohamed Riayz, learned counsel for the petitioner states that the petitioner being 2nd wife of the employee was taking care of the 1st wife's children of the deceased employee and now all the children got married and she was left alone with anybody to look after. Under those circumstances, the petitioner submitted an application for grant of family pension, the authorities have not considered and the petitioner was orally informed that she is the 2nd wife and not legally wedded with the deceased employee and not eligible for grant of family pension in accordance with Pension Rules in force.



4. It is not in dispute that the petitioner is the 2nd wife of the deceased employee. The 2nd marriage of the writ petitioner with deceased employee was solemnised when the 1st wife was alive. Thus, the marriage of the petitioner with the deceased employee became invalid and thus, the petitioner cannot be considered as eligible for grant of family pension under the family pension rules applicable to the respondent Port Trust.

5. As per the Pension Rules, legally wedded spouse alone is entitled for family pension. When the petitioner being the 2nd wife and not a legally wedded, is not eligible for family pension. Mere looking after the family or living with the employee is not a ground to grant family pension, since the grant of pension or family pension is governed by the rules and therefore, the relief as sought for cannot be granted. Though the relief sought for is to direct the respondent to consider the representation, merely issuing an direction will not do any service to the cause of justice.

6. When the case is contested by the respondent on the ground that the petitioner is not eligible as she is the 2nd wife and not legally wedded wife of the deceased employee and further, name of the petitioner was nominated in the Service Records. There is no point in issuing a direction to the respondent



to consider the representation. If at all such direction is issued, the petitioner will back again before the Court by way of another litigation. Thus, this Court is not inclined to consider the relief as such sought for in the present writ petition.

7. Accordingly, the Writ Petition stands dismissed. No costs.

20.10.2022

Jeni

Index : Yes

Speaking order

To

The Chairman / Chief Executive Officer
Chennai Port Trust,
Rajaji Street
Chennai 600 001.



WEB COPY

W.P.No.15035 of 2



S.M.SUBRAMANIAM, J.

Jeni

W.P.No.15035 of 2017

20.10.2022