



WEB COPY

W.P.No.2987 of 20



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No. 2987 of 2017

G. Kumudha

... Petitioner

Vs.

1. The Chairman cum Managing Director,
Tamilnadu Generation and Distribution
Corporation Ltd.,
No. 144, Anna Salai,
Chennai -600 002.

2. The Chief Engineer, Personnel,
Tamilnadu Generation and Distribution Corporation Ltd.,
No. 144, Anna Salai,
Chennai – 600 002.

3. The Superintendent Engineer,
Kancheepuram Electricity Distribution Circle,
Tamilnadu Generation and Distribution Corporation Ltd.,
Anna Maligai, Oli Muhammedpet,
Kancheepuram.

... Respondents

Prayer: Writ Petition filed Under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order dated 18.02.2016, passed by the third respondent made in Ka.No.2572/Ni.Pi 3/udavi 2/ko.06(2000)/2016 dated 18.02.2016 and quash the same and illegal and without application of mind and consequently direct the respondents herein to grant family pension to the petitioner from 01.06.2008 with 24 % interest.



For Petitioner
For Respondents

: Mr. G. Anandakumar
: Mr. P. Subramaniam
for TANGEDCO
for R1 to R3

ORDER

The order declining the request of the writ petitioner to grant family pension, is under challenge in the present writ petition.

2. The petitioner states that her husband late P.N. Guruvaiya, was an employee of the respondent Board and retired from service in the year 2001. The petitioner states that she married the deceased employee on 24.06.1971, as his second wife. The first wife of the deceased employee Mrs. Hemavathy, was not in good health and therefore, the deceased employee married the petitioner as his second wife. The petitioner states that the deceased employee solemnized the second marriage with the consent of the first wife and has two daughters and two sons out of wedlock. The first wife Mrs. Hemavathy died on 15.09.1975.



3. The fact remains that the second marriage between the deceased employee and the writ petitioner was solemnized during the life time of the the first wife and thus the second marriage of the deceased employee is invalid. The second wife is not entitled for family pension under the pension rules applicable to the respondent board.

4. The learned counsel for the petitioner contended that the deceased employee nominated the name of the writ petitioner for the purpose of receiving family pension. Nomination by an employee is to be verified with reference to the pension rules in force by the competent authorities while granting family pension.

5. In the present case, the authorities competent found that the marriage between the deceased employee and the petitioner is invalid and therefore, rejected the claim of the writ petitioner for grant of family pension. Mere nomination would not be sufficient. The validity of the nomination is to be decided with reference to the pension rules in force and in the present case, the marriage between the deceased employee and the writ petitioner was found to be invalid and thus there is no infirmity in respect of the order



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passed by the respondent, rejecting the claim of the writ petitioner for the grant of family pension. Accordingly, the writ petition stands dismissed. No costs.

07.11.2022

mrn

Index : Yes / No

Speaking order / Non-Speaking order



To

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S.M.SUBRAMANIAM, J.

mrn

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