



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.04.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.3196 of 2021 and
W.M.P.(MD) No.2529 of 2021

R.Chandrasahsan

... Petitioner

-vs-

1. The Principal Accountant General (A and E),
Tamil Nadu,
No.361, Anna Salai, Chennai - 600 018.

2. The Deputy Director,
Health Services, Gandhiji Road, Thanjavur.

3. The Block Medical Officer,
Government Primary Health Centre,
Kabisthalam, Thanjavur District.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the 1st respondent by proceedings in dated 26.12.2020 and quash the same and consequently direct the 1st respondent to pay the family pension to the petitioner.

For Petitioner : Mr.G.Karnan

For R1 : Mrs.S.Mahalakshmi, Standing Counsel

For RR2 & 3 : Mr.D.S.Nedunchezian
Government Advocate

O R D E R

The order of rejection dated 26.12.2020 issued by the 1st respondent-Principal Accountant General of Tamil Nadu rejecting the claim of the writ petitioner for grant of family pension is under challenge in the present writ petition.

2. The petitioner states that his wife, Smt.C.Kalamalini was working as Special Grade Village Health Nurse under the 3rd respondent and died on 15.08.2012 while she was in service. The petitioner received all the benefits from the Department. However, the family pension is yet to be paid. When an application was made, the Principal Accountant General of Tamil Nadu rejected the claim by



stating that the petitioner is having another living spouse at the time of death of the Government servant. Therefore, the petitioner is not entitled for family pension under the Tamil Nadu Pension Rules.

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3. The learned counsel appearing for the petitioner states that the said living spouse was already divorced by the petitioner. If so, the petitioner has to submit the decree of divorce granted by the competent court of law. Only if the decree of divorce is obtained prior to the marriage of the deceased employee, then the claim is to be considered in accordance with the rules. Thus, the petitioner is at liberty to furnish all required documents to establish that the deceased employee is the legally wedded wife of the petitioner and the living spouse has already been divorced by the petitioner.

4. With the above liberty, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Abr

To

1. The Principal Accountant General (A and E),
Tamil Nadu, No.361, Anna Salai, Chennai - 600 018.
2. The Deputy Director,
Health Services, Gandhiji Road, Thanjavur.
3. The Block Medical Officer,
Government Primary Health Centre,
Kabisthalam, Thanjavur District.

+1 CC to M/s.SPL.GP (SR-16707[F] dated 05/04/2022)

+1 CC to M/s.S. MAHALAKSHMI, Advocate (SR-16527[F] dated 05/04/2022)

W.P. (MD) No.3196 of 2021
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SVN(CO)

KB(25.04.2022) 2P 6C

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