



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:24.03.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

W.P. (MD)No.4042 of 2022

WEB COPY

P.Kaliammal

... Petitioner

Vs.

1.The Divisional Engineer,
National Highways Department Office,
Panagal Maligai
Old Bus Stand,
Thanjavur.

2.The Divisional Engineer
National Highways Divisional Office,
Subramaniapuram
Trichy -20

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus to direct the respondents conclude the proceedings in Ka.No.392/2019/Aa1 dated 16.08.2019 to grant family pension to the petitioner.

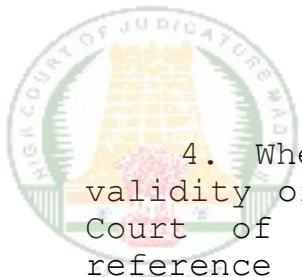
For Petitioner	: Mr.V.Karna
For Respondents	: Mr.D.S.Nedunchezian Additional Government Pleader

ORDER

The relief sought for in the present writ petition is to direct the respondents to conclude the proceedings dated 16.08.2019 and grant family pension to the petitioner.

2. The proceedings dated 16.08.2019 reveals that the Divisional Engineer, Trichy has sent a letter to the Divisional Engineer National Highways, Thanjavur stating that the service records of the deceased employee is to be verified.

3. The learned Additional Government Pleader appearing on behalf of the respondents made a submission that there is a counter claim in respect of the deceased employee. As per the written instructions furnished to the learned Additional Government Pleader, in the pension proposal, the name of the petitioner Mrs.P.Kaliammal was entered as wife. However, in service records, the deceased employee nominated his second wife P.Murugayee. In view of the counter claims, the authorities are unable to settle the terminal benefits due to the employee.



4. Whenever there is counter claims between two wives, the validity of the marriage is to be established before the competent Court of law. Authorities cannot adjudicate the issue with reference to the validity of the marriage and therefore, the petitioner has to approach the competent Court of law for the purpose of getting declaration regarding the validity or otherwise of the marriage with the deceased employee.

5. With this liberty, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

RR

To

1.The Divisional Engineer,
National Highways Department Office,
Panagal Maligai
Old Bus Stand,
Thanjavur.

2.The Divisional Engineer
National Highways Divisional Office,
Subramaniapuram
Trichy

+1 CC to M/s.SPL GP (SR-14512[F] dated 25/03/2022)

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SRR(CO)
KB(04.04.2022) 2P 4C