



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.5308 of 2021

and

W.M.P. (MD) No.4229 of 2021

WEB COPY

Manoharan

... Petitioner

vs.

1.The Internal Audit Officer
Audit Branch / TANGEDCO
N.P.K.R.R.Maligai 1st Floor
144, Anna Salai, Chennai

2.The Superintending Engineer
Pudukkottai EDC/TNEB,
Pudukkottai.

3.The Branch Manager
Indian Overseas Bank
Ambalpuram, Pudukkottai

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus calling for the records pertaining to the impugned rejection order dated 26.09.2018, passed by the 1st respondent and quash the same and consequently direct to the 1st and 2nd respondents to enter the petitioner's second wife namely Buvaneswari for family pension.

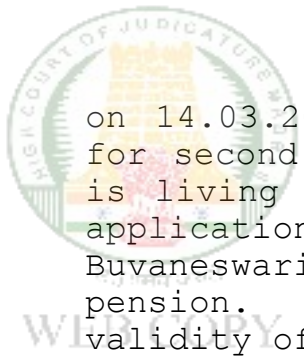
For Petitioner : Mr.Ramu.M.

For Respondents : Mr.S.Arivalagan for R1 & R2
Mr.N.Dilip Kumar for R3

O R D E R

The order of rejection, dated 26.09.2018, passed by the first respondent, rejecting the claim of the petitioner to enter the name of his second wife in his service records, is under challenge in this writ petition.

2. The petitioner states that he was appointed as Helper in TANGEDCO. He was promoted as Wireman and reached the age of superannuation and retired from service on 31.08.2018. The petitioner further states that he married one Vasuki on 17.12.1983 and her name was entered in his service records for the purpose of family pension and monetary benefits. However, the said Vasuki died



on 14.03.2010. The petitioner states that his relatives arranged for second marriage with one Buvaneswari on 19.10.2011 and now, he is living with the said Buvaneswari. The petitioner submitted an application 15.09.2018 to enter the name of the second wife Buvaneswari in his service records for the purpose of family pension. The said application was rejected on the ground of validity of the marriage registration certificate.

3. The learned counsel for the petitioner made a submission that the second marriage was solemnized after the death of the first wife of the petitioner and therefore, the second marriage is a valid marriage and during 2011, the second marriage was not registered and therefore, the petitioner registered the second marriage in the year 2021. Thus, the marriage registration certificate is to be accepted by the respondents.

4. The learned counsel appearing for the respondents 1 and 2 objected the said contentions by stating that a plain reading of the Marriage Registration Certificate produced by the petitioner reveals that same age and same date of birth have been mentioned for the petitioner and the said Buvaneswari. This apart, the marriage was solemnized in the year 2011 and the registration was done after a lapse of ten years. Therefore, there is a doubt in respect of solemnization of the marriage and such a doubt is to be clarified by the petitioner himself.

5. When the respondents formed an opinion that the particulars entered in the Marriage Registration Certificate raise a doubt in view of the belated registration of the marriage by the petitioner, it is for the petitioner to establish the genuinity or otherwise in respect of the marriage solemnized between the petitioner and the said Buvaneswari. This being the factum, the petitioner is at liberty to establish the genuinity of the marriage before the second respondent in the manner known to law and for redressal of his grievance.

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

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

krk

<https://hcservices.ecourts.gov.in/hcservices/>



TO:

1.The Internal Audit Officer
Audit Branch / TANGEDCO
N.P.K.R.R.Maligai 1st Floor
144, Anna Salai, Chennai

2.The Superintending Engineer
Pudukkottai EDC/TNEB,
Pudukkottai.

+1 CC to M/s.M. RAMU, Advocate (SR-21724[F] dated 27/04/2022)

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-22335[F] dated 28/04/2022)

W.P. (MD) No.5308 of 2021

and

W.M.P. (MD) No.4229 of 2021

27.04.2022

RD(12.05.2022) 3P 5C