



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.5595 of 2022

WEB COPY

G.Vimala

... Petitioner

vs.

1. The Principal Accountant General (A & E)
No.361, Annasalai, Chennai-18

2. The Revenue Divisional Officer
Lalgudi, Trichy District

3. The Tahsildar
Mannachanallur Taluk
Trichy District

4. The Assistant Treasury Officer
Mannachanallur
Trichy District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the 1st respondent to consider the petitioners application dated 11.11.2020 and sanction family pension to the petitioner in accordance with G.O.Ms.No.336 (Finance Pay Cell) Department dated 14.11.2017.

For Petitioner : Mr.Lenin Kumar.T.

For Respondents : Ms.S.Mahalakshmi for R1

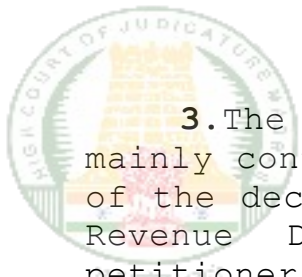
Mr.D.S.Nedunchezian

Government Advocate for R2 & R3 & R4

O R D E R

The relief sought for in this writ petition is to direct the first respondent to consider the petitioner's application dated 11.11.2020 and sanction family pension to her.

2.The husband of the petitioner Late.M.Govindasamy was working as Village Officer and died on 30.05.2019. The petitioner states that she is the wife of the deceased employee and therefore, she is entitled for family pension under the Tamil Nadu Pension Rules, 1978.



3.The learned counsel appearing for the first respondent mainly contended that admittedly the petitioner is the second wife of the deceased employee M.Govindasamy. As per the report of the Revenue Divisional Officer, Lalgudi, dated 24.10.2000, the petitioner Vimala is the second wife and one Thenmozhi is the first of the deceased employee and the marriage between the deceased employee and the first wife Thenmozhi was held on 11.09.1995. However, the deceased employee had not divorced the first wife or produced relevant document to establish that the second marriage was solemnized legally.

4.This Court is of the opinion that if the second marriage was solemnized during the lifetime of the first wife, the second marriage is invalid in the eye of law and the second wife is not entitled for family pension under the Tamil Nadu Pension Rules, 1978. Therefore, the contentions of the respondents not considering the case of the petitioner for grant of family pension are in accordance with the Rules and there is no infirmity. If at all the petitioner produces all required documents to establish the validity of the marriage and other relevant documents, then alone her case can be considered, but not otherwise.

5.Accordingly, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To:

- 1.The Revenue Divisional Officer,
Lalgudi, Trichy District.
- 2.The Tahsildar,
Mannachanallur Taluk, Trichy District.
- 3.The Assistant Treasury Officer
Mannachanallur, Trichy District.

+1 CC to M/s.SPL.GP. (SR-18159[F] dated 12/04/2022)

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-18271[F] dated 12/04/2022)

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