



W.P.(MD)No.6644 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.6644 of 2020
and
W.M.P.(MD) No.5991 of 2020

J.Nirmala

... Petitioner

Vs.

1.The Principal Accountant General,
The Principal Accountant General of Tamil Nadu,
Teynampet,
Chennai - 600 018.

2.The Director
Tamil Nadu Fire and Rescue Service,
13, Rukmini Lakshmimapathy Salai,
Egmore,
Chennai - 600 008.

3.The Deputy Director
Fire and Rescue Services Department,
Southern Region,
Madurai.



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4. The District Officer,
Fire and Rescue Services Department,
Kanyakumari District @ Nagercoil.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the entire record pertaining to the impugned proceedings issued by the fourth respondent in Mu.Mu.No.1812/A/2020, dated 12.03.2020 and quash the same as illegal and consequently direct the respondents to pay the Family Pension to the petitioner.

For Petitioner : Mr.P.M.Vishnuvarthanan

For Respondents : Mr.K.Mu.Muthu - for R2 to R4
Additional Government Pleader
: Mrs.Mahalakshmi - for R1

ORDER

This Writ Petition has been filed to quash the impugned proceedings issued by the fourth respondent in Mu.Mu.No.1812/A/2020,



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dated 12.03.2020 and consequently to direct the respondents to pay the Family Pension to the petitioner.

2. The case of the petitioner is that the petitioner claimed to be a legally wedded wife of Late S.Jeyasree, who worked as leading Fireman and retired from service on account of superannuation on 31.01.2012. He passed away on 19.01.2020. Thereafter, the petitioner made a representation on 28.02.2020 for disbursement of terminal benefits and payment of pension. However, the said application was rejected on the ground that the deceased S.Jeyasree, who worked as leading Fireman, died on 19.01.2020 and he mentioned his wife name as Seetha in PPO No.R2204191/FIR and accordingly, the terminal benefits are settled in favour of Seetha. After lapse of 8 years, the petitioner made a representation on 28.02.2020 for disbursement of amount, which was rejected on the ground that there is no proof available in the service records as if the petitioner is the wife of the deceased S.Jeyasree and challenging the same, the present writ petition is filed with the aforesaid prayer.



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3. The learned counsel appearing for the petitioner would submit that immediately after the first marriage, the said Seetha left the matrimonial home and thereafter, with the consent of the parents the deceased leading Fireman namely, S.Jeyasree, married the petitioner and they have been blessed with children. However, their names were not mentioned in the service records. In view of the above, they failed to pay the terminal benefits in favour of the petitioner, is not sustainable. Accordingly, he prayed for appropriate orders.

4. The learned counsel for the first respondent would submit that based on the pension proposals received from the fourth respondent, the pensionary benefits were authorised in favour of S.Jeyasree under joint Pension Payment Order No.R2204191. In the application for pension, the deceased S.Jeyasree had identified K.Seetha as the beneficiary to the family pension payable in the event of his death. After the death of S.Jeyasree on 19.01.2020, the petitioner herein had applied for family pension stating that the deceased married her as his second wife on 21.08.1994, as the first wife Seetha, eloped and deserted the



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family life and the whereabouts of Seetha was not known. Hence, the family pension application of J.Nirmala has been rejected by the fourth respondent reasoning that her name was not found in the service records of the deceased. Hence, prayed for dismissal.

5. This Court perused the impugned order and a perusal of the impugned order reveals that the leading Fireman namely, S.Jeyasree, passed away on 19.01.2020. Thereafter, the entire terminal benefits was settled in favour of his wife Seetha based on the declaration made by the said S.Jeyasree, during his life time. However, after a lapse of 8 years, the petitioner made a representation to disburse terminal benefits, which was rejected on the ground that no proof was filed and expressing any opinion will adversely affect the interest of the petitioner. Hence, without expressing any opinion and without interfering the order impugned in the writ petition, this Court grant liberty to the petitioner to approach the competent civil forum, for appropriate remedy. If she succeeds, liberty is granted to the petitioner to make a fresh application before the official respondent.



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6. This writ petition is dismissed with the above said liberty.

No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
Internet : Yes / No
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M.DHANDAPANI,J.

RM

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