



**W.P.(MD) No.12849 of 2022**

**WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 04.08.2022**

**CORAM**

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

**W.P.(MD) No.12849 of 2022**

**S.Pandiyammal**

**... Petitioner**

**Vs.**

**1.The Joint Commissioner of Police,  
North Zone,  
Chennai – 600 008.**

**2.The Accountant General (A & E),  
No.361, Anna Salai,  
Teynampet,  
Chennai – 600 018.**

**3.The Treasury Officer,  
District Treasury,  
Trichy.**

**4.Rajalakshmi**

**... Respondents**

**PRAYER**: Writ petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondent Nos.1 to 3 to pay family pension to the petitioner as legal heirs of Late. Sasuvananatham, based on the representation of the petitioner dated 25.05.2022.



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For Petitioner : Mr.B.Prasanna Vinoth

For Respondents : Mr.A.Sivanupandian, for R1 and R3  
Government Advocate

Mrs.Mahalakshmi for R2  
Standing Counsel

Mr.T.Lenin Kumar for R4

### **ORDER**

The petitioner herein is the widow of the Government Employee namely, late Sasuvananatham, who was a pensioner under the first respondent herein. The employee expired on 06.08.2021. As per the Legal Heirship Certificate, the petitioner is entitled to receive the family pension of her late husband.

2. The fourth respondent herein claims to be the wife of the petitioner's late husband. Admittedly, such a marriage took place during the marriage of the petitioner herein and under the Tamil Nadu Pension Rules, the fourth respondent, being the second wife, will not be entitled for family pension.



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3. The learned counsel for the fourth respondent submitted that she has two children through the late Government Employee, which fact, is disputed by the learned counsel for the petitioner by stating that the children were not born to the late Employee. The issue as to whether the said children of the fourth respondent was born through the late Employee is to be established and proved before an appropriate civil forum. However since it is admitted that the petitioner herein is the legally wedded wife of the deceased Employee, she would be entitled for family pension.

4. The learned Standing counsel for the second respondent herein submitted that the Employer requires to submit Form – 13 under Section 72 (4) of the Tamil Nadu Pension Rules and on receipt of the Form – 13, they would disburse the family pension to the petitioner. Form – 13 under the Rules requires to be preceded by an application under Form – 14 by the widow of the pensioner, together with the required enclosures.

5. In this background, the petitioner is directed to submit an application under Form 14 to the first respondent herein, as expeditiously as possible and



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on receipt of such an application, the first respondent herein shall forward the duly filled Form – 13 to the second respondent herein for disbursement of family pension in favour of the petitioner herein. On receipt of the Form – 13, the second respondent herein shall pass appropriate orders disbursing the family pension, together with arrears to the petitioner herein, within a period of four weeks from the date of receipt of the Form – 13.

6. The fourth respondent is at liberty to workout her remedy before the Civil Courts, in connection with her claim for family pension in favour of her children alleged to have been born to her through the late Government Employee.

7. This writ petition stands allowed accordingly. No costs.

**04.08.2022**

Index : Yes / No  
Speaking Order/ Non Speaking Order

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**M.S.RAMESH,J.**

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