



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P. (MD) . No.23404 of 2019

Maria Amala

... Petitioner

Vs

1.Principal General Manager,
Bharat Sanchar Nigam Ltd.,
2, Rathinasamy Road,
Bibikulam,
Madurai - 625002.

2.The Record Office,
Madras Engineer Group,
Pin-900493, C/O 56 A.P.O.

3.KP.Saradha

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the 1st and 2nd respondents to produce the relevant and valid documents under which a dual family pension have been granted to the 3rd respondent and consequently direct the official respondents to grant any one of family pension to the petitioner.

For Petitioner : Mr.L.Rajiah

For Respondents : Mr.D.Shanmugaraja Sethupathi for R1

Mr.A.P.Raja Simman for R2

O R D E R

The relief sought for in the present Writ Petition to direct the respondents 1 and 2 regarding grant of family pension to the petitioner.

2.The petitioner states that her husband was an employee of BSNL and he was an ex-service man. However, the family pension is sought for in respect of the services rendered by the deceased employee in BSNL and Army.



3.The learned counsel for the first respondent made a submission that the name of the third respondent is nominated in the service records by the deceased employee and accordingly, the third respondent is receiving the family pension.

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4.When the family pension has already been sanctioned in favour of the third respondent by the first respondent based on the service records and as per the declaration given by the deceased employee, the claim of the writ petitioner cannot be considered by this Court in a writ proceedings under Article 226 of the Constitution of India. Such disputed facts if any arose must be decided in an appropriate manner before the competent Court of Law. If at all the petitioner claims that she is legally wedded wife of the deceased employee, she has to get appropriate declaration from the competent Court for the said purpose and thereafter, approach the competent authorities for necessary relief. In the absence of any declaration from the competent Civil Court of Law, High Court in a writ proceedings cannot form an opinion whether the petitioner is the legally wedded wife or not. However, the first respondent has already recognized the third respondent as the legal heir based on the service records and paying monthly pension. This being the factum, the petitioner is at liberty to approach the competent Court of Law for the purpose of redressal of her grievances in the manner known to law.

5.The Writ Petition stands disposed of accordingly. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (Protocol)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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+1 CC to M/s.A.P. RAJASIMMAN, Advocate (SR-21641[F] dated 27/04/2022)

+1 CC to M/s.D. SHANMUGARAJA SETHUPATHI, Advocate (SR-21141[F] dated 26/04/2022)

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MGJ(13.05.2022) 2P 3C