



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:24.03.2022

CORAM:

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

W.P. (MD)No.24280 of 2019

M.Rukmani

... Petitioner

Vs.

1.The Principal Accountant General (A&E)
Chennai 600 018.

2.The Joint Director of Health Services
Karur Headquarters Hospital
Karur District.

3.The District Treasury Officer,
Karur District, Karur.

4.Sumathi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus to call for the records pertaining to the impugned order of the 2nd respondent in Na.Ka.No.2493/Ni2/2019 dated 13.08.2019 and quash the same as illegal and consequently direct the respondents 1 to 3 to pay the pension to the petitioner.

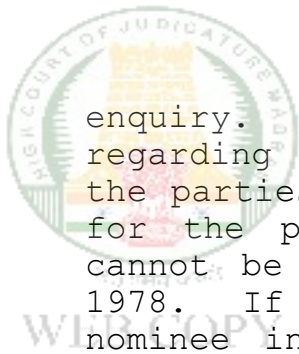
For Petitioner	: Mr.A.Manikandan
For Respondents	: Mr.D.Sadiq Raja for R2 &R3 Additional Government Pleader Mr.P.Gunasekaran for R1 No appearance for R4

ORDER

The order impugned dated 13.08.2019 reveals that the pensionary benefits and family pension due to the deceased employee Late Thiru.Marasamy was settled based on the service records.

2. The learned counsel for the petitioner mainly contended that the petitioner is the first wife of the deceased employee Late Marasamy. The deceased employee has not divorced the first wife and he had illegally married the 4th respondent as second wife. The petitioner has no knowledge about the nomination made in the service register of the deceased employee. Thus, the petitioner states that the fourth respondent, who is not the legally wedded wife of the deceased employee, is illegally granted the family pension itself in violation of the pension rules in force.

3. Whenever there is counter claim in respect of family pension between two wives, the authorities competent are bound to conduct an



enquiry. If the authorities are unable to form a clear opinion regarding the validity of the marriage between the two wives, then the parties must be directed to approach the competent Court of law for the purpose of declaration. Contrarily the family pension cannot be granted in violation of the Tamil Nadu Pension Rules, 1978. If at all the fourth respondent's name has been entered as nominee in violation of the pension rules, then all appropriate actions are to be initiated.

4. In view of the fact that there is a counter claim raised by the petitioner in respect of the deceased employee, this Court is of the opinion that an enquiry is to be conducted by the competent authority. Accordingly, the impugned order passed by the second respondent in Na.Ka.No.2493/Ni2/2019 dated 13.08.2019 is quashed. The respondents are directed to issue notice to the petitioner and the fourth respondent permitting them to submit all the documents and evidences to establish their respective case. On such submission, the respondents shall conduct an enquiry and thereafter take a decision and pass appropriate orders on merits and in accordance with law. The said exercise is directed to be done as expeditiously as possible, preferably, within a period of four months from the date of receipt of a copy of this order.

5. The writ petition stands allowed. No costs.

Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

RR

To

1.The Principal Accountant General (A&E)
Chennai 600 018.

2.The Joint Director of Health Services
Karur Headquarters Hospital, Karur District.

3.The District Treasury Officer,
Karur District, Karur.

+1 CC to M/s.SPL GP (SR-14509[F] dated 25/03/2022)

+1 CC to M/s.A.MANIKANDAN, Advocate (SR-14590[F] dated 25/03/2022)

W.P. (MD)No.24280 of 2019

24.03.2022

RD(05.04.2022) 2P 6C