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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2023

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.2488 of 2023

S.Vijaya

Petitioner

vs.

M/s.Chennai Port Trust.
Rep. by its Chairman,
Rajaji Salai, Parrys,
Chennai – 600 001.

Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, call for records of the respondent in his proceedings No. AO (Pension) /WP No. 11634/2019/F dated 31.12.2022 and quash the same and consequently direct the respondent to pay monthly family pension and pay the arrears of pension from the death of the petitioner's husband i.e. from 26.07.2016 to as on date with 6 percentage interest to the petitioner herein.

For Petitioner : Mr.D.Soundar Raj

For Respondent : Mr.R.Karthikeyan
Standing Counsel

**ORDER**

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This writ petition has been filed challenging the impugned proceedings of the respondent dated 31.12.2022, wherein, the request made by the petitioner seeking for payment of monthly family pension and other retirement benefits of her husband, was rejected by the respondent.

2.The case of the petitioner is that her husband Srihari was working as a Fitter in the Chennai Port Trust. He had married one Tmt.Dilliammal and she died on 11.04.1996. Thereafter, the said Srihari married the petitioner on 01.09.1999. Ultimately, the husband of the petitioner expired and the petitioner gave a representation to the respondent for payment of family pension and for other retirement benefits of her husband. The said representation was rejected by the respondent through proceedings dated 31.12.2022 and aggrieved by the same, the present writ petition has been filed before this Court.

3.Heard Mr.D.Soundar Raj, learned counsel appearing on behalf of the petitioner and Mr.R.Karthikeyan, learned Standing Counsel appearing on behalf of the respondent.



4.This Court carefully went through the impugned proceedings of the respondent dated 31.12.2022. The respondent while rejecting the claim made by the petitioner, has assigned three reasons and they are as under:

- a) The Marriage Certificate dated 06.09.1999 that was produced by the petitioner reflected the name of the husband as Dr.Srihari. It shows as if the occupation of the said Srihari was Homeopathy Doctor.
- b) The date of birth of Srihari as found in the Service Register was 01.07.1938. However, as per the Marriage Certificate, the date of birth was found as 24.08.1941 and
- c) After demise of Smt.Dilliammal on 11.04.1996, Srihari never informed the respondent about marrying the petitioner and the name of the petitioner was also not given as a nominee in any of the forms that was submitted by Srihari.

5.In the considered view of this Court, the respondent has assigned cogent reasons for the denial of the claim made by the petitioner and the same does not warrant the interference of this Court. If the petitioner wants to substantiate that she is the wife of the deceased Srihari, the petitioner has to



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N. ANAND VENKATESH, J.

SSR

necessarily approach the competent civil court and get a declaration to that effect and thereafter, approach the respondent seeking for family pension.

6.In the result, this writ petition is dismissed. No Costs.

02.02.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
ssr

To

The Chairman,
M/s.Chennai Port Trust.
Rajaji Salai, Parrys,
Chennai – 600 001.

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