



W.P.No.2306 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.No.2306 of 2018

J.Varadammal

... Petitioner

-Vs-

1. The Senior Account Officer (C & A.II) HQ,
BSNL, FBR Tele Exchange Buildings,
Amenity Block, NSC Bose Road,
Chennai-600 001.
 2. The Communication Accounts Officer (Pension),
O/o. Principal Controller of Communication Accounts,
Tamil Nadu Circle, Ethiraj Salai,
Chennai-600 008.
 3. S.Valliammal
 4. Rajasekar
 5. Sundar
 6. J.Kumar
 7. J.Vadivel
- ... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the first respondent to consider the petitioner representation dated 04.01.2018 and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.



W.P.No.2306 of 2018

For Petitioner : No appearance
For Respondents : No appearance

ORDER

This Writ Petition has been filed for the issuance of a Writ of Mandamus, to consider the petitioner's representation dated 04.01.2018.

2. The petitioner is the second wife of the deceased employee namely T.Jayaraman. The respondents 3 to 5 are the children born to the petitioner with the deceased employee. The respondents 6 and 7 are born to the first wife of the deceased employee.

3. The contention of the petitioner is that the deceased employee, earlier was married to one Mallika. Without disclosing this fact, the deceased employee had married the petitioner and she came to know about the earlier marriage subsequently. However, the petitioner submits that the deceased employee has dissolved the earlier marriage. Therefore, she claims the terminal benefits of the deceased employee.



W.P.No.2306 of 2018

WEB COPY

4. The respondents filed a counter stating that the deceased employee has not nominated any person in his service register. Moreover, the petitioner has not submitted any proof that the earlier marriage was dissolved as per law. Even according to the petitioner, the marriage was not dissolved and there is no certificate of dissolution. Therefore, the respondents submits that the claim of the petitioner cannot be considered. However, the respondents further submitted that the children who are born through the petitioner, even though the petitioner is the second wife of the deceased employee, are entitled to 50% of the terminal benefits.

5. It is seen from the affidavit that the first wife died on 05.10.2015. The petitioner filed a suit in O.S.No.452 of 2013. The petitioner submits that the respondents 6 and 7 are born out of first wife and having no objection and they have submitted No Objection Certificate to this effect. Even the respondents 3 to 5 who are born through the second wife, are not having any objections to disburse the terminal benefits to the petitioner. Therefore, this Court is inclined to pass the following order.



W.P.No.2306 of 2018

WEB COPY

6. The respondents shall consider and disburse 50% of the pensionary benefits to the petitioner, since the first wife is not alive. The respondents have not passed any orders and it is only through counters, they have stated that the petitioner is not entitled to.

7. Therefore, the first respondent shall consider the case and pass orders, within a period of eight weeks from the date of receipt of a copy of this order.

8. With the above direction, this writ petition is disposed of. There shall be no order as to costs.

06.03.2023

Internet : Yes
Index : Yes/No
Speaking order/Non-speaking order
mn



W.P.No.2306 of 2018

WEB COPY To

1. The Senior Account Officer (C & A.II) HQ,
BSNL, FBR Tele Exchange Buildings,
Amenity Block, NSC Bose Road,
Chennai-600 001.
2. The Communication Accounts Officer (Pension),
O/o. Principal Controller of Communication Accounts,
Tamil Nadu Circle, Ethiraj Salai,
Chennai-600 008.



WEB COPY



W.P.No.2306 of 2018

S.SRIMATHY, J.

mn

W.P.No.2306 of 2018

06.03.2023