



WEB COPY



W.P.No.25258 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2023

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.25258 of 2023
and W.M.P.No.24670 of 2023

Seethalakshmi

.... Petitioner

Vs

1. The Senior Accounts Officer,
Accountant General (Accounts and
Entitlements) Tamil Nadu,
No.361, Anna Salai,
Chennai – 600 018.

2. The District Educational Officer,
PWD Road,
Nagarcoil – 629 001.

.... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for Writ of Certiorarified Mandamus calling for the records pertaining to add the petitioner in the Family Pension as wife of Late A.Veerabhadra Mudaliyar bearing Pen XI/3/pt 6857/AB54583/14-15 dated 19.08.2014 issued by the 1st respondent and to quash the same and consequently to direct the 1st respondent to release the pension to the petitioner bearing PPO No.A854583.

For Petitioner	:	Mr.M.Madhu Prakash
For R1	:	Mrs.Hema Muralikrishnan
For R2	:	Mr.P.Baladhandayutham
		Special Government Pleader



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ORDER

This Writ Petition has been filed challenging the impugned order dated 19.08.2014 passed by the first respondent, thereby rejected the request made by the petitioner to claim family pension.

2. Heard Mr.M.Madhu Prakash, learned counsel appearing for the petitioner, Mrs.Hema Muralikrishnan, learned counsel appearing for the first respondent, Mr.P.Baladhandayutham, learned Special Government Pleader appearing for the second respondent and perused the materials available on record.

3. The petitioner's husband was retired from service as Secondary School Teacher in the year 2002. Initially, he got married one Kamala Muthammal on 30.01.1961. Due to ill health of the said Kamala Muthammal, both of them got separated as of their customary and registered before the Registrar Office on 06.04.1977 vide document No.17 of 1977. Thereafter, he got married with the petitioner on 06.06.1977. While he was in service, he also entered in the petitioner's name in the Service Register as nominee. While he was alive, he also filed writ petition in W.P.No.31528 of 2018 to include the name of the second wife



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as nominee for Family Pension. Pending writ petition, he died and the writ petition was dismissed as abated. However, this Court made clear that it would not preclude the petitioner's second wife from seeking any relief sought by the deceased petitioner in the manner recognised by law including filing of an application for exemption under Rule 82 of the Tamil Nadu Pension Rules, 1978. Therefore, the petitioner made a request claiming family pension. The said request was forwarded by the second respondent to the first respondent. On receipt of the same, the first respondent, by its communication dated 07.12.2022, directed the petitioner to send the claim to the concerned Department and the same will be scrutinized by the said Department and forward the same to the first respondent for taking further action at their end.

4. However, in the impugned order dated 19.08.2014, the first respondent rejected the request made by the petitioner, to enter her name to claim family pension benefits. The first wife of the deceased husband also died on 04.06.1978. Now, the petitioner's husband died and the writ petition filed by him has also dismissed as abated. That apart, there is no rival claim except the petitioner. Further her name was nominated by her husband, while he was in service.



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5. In view of the above, the impugned order dated 19.08.2014 passed by the first respondent, is hereby quashed. The first respondent is directed to disburse the family pension benefits to the petitioner forthwith.

6. With the above direction, this Writ Petition stands allowed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

28.08.2023

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

To

1. The Senior Accounts Officer,
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