



WEB COPY



WP.No.26392 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2023

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

WP.No.26392 of 2023

N.Mallika

.. Petitioner

Versus

1.The Superintendent of Police
Madurai District
Azhagar Koil Road
K Pudhur Post Office
Surveyor Colony
Madurai – 625 007

2.The Accountant General (A&E)
361, Anna Salai
Chennai – 600 018

3.Rakku alias Rajam

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to impugned order dated 01.03.2023 made in PO4/1/10431531/ADK/1049 on the file of the 2nd respondent, quash the same and direct the 2nd respondent to pay the family pension in favour of the petitioner.

For Petitioner : Mr.S.Muthu Kumar

For Respondents : Mr.M.Alagu Goutham for R1
Government Advocate
Mr.S.Balaji for R2



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ORDER

This writ petition has been filed challenging the rejection order of the second respondent dated 01.03.2023 rejecting the petitioner's claim to pay the pension in her favour.

2. The petitioner is admittedly the second wife of the deceased Mr.Naganathan P K and she is said to have been married the deceased during the subsistence of the first marriage. After the death of her husband, she claims the pension which has been rejected by the respondent vide the impugned order. Hence, this writ petition.

3. It is the contention of the learned counsel for the petitioner that the first wife and her daughter has executed a Memorandum of Understanding dated 04.06.2008 stating that they have received ancestral property share, therefore, the petitioner is entitled for promotion.

4. Heard both sides and perused the materials placed on record. This Court is unable to comprehend the submissions made by the learned counsel for the petitioner. When the Rule specifically says that the legally wedded wife is entitled for pension and the petitioner is, admittedly, the second wife and is

said to have been married the deceased during the subsistence of first



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marriage, that marriage itself is void. Such view of the matter, as a matter of right, the petitioner cannot seek pension.

5. Accordingly, I do not find any merits in the case and this writ petition stands dismissed.

11.09.2023

dhk

Index:Yes/No

Internet: Yes/No

Neutral Citation:Yes/No

To

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N.SATHISH KUMAR, J.



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