



W.P(MD)No.8433 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2023

CORAM

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.8433 of 2023

M.Karuppaiah

... Petitioner

Vs.

1.The Senior Accounts Officer / Pension 17,
O/o.Principal Accountant General,
(Accounts & Entitlement), Tamil Nadu,
No.301, Anna Salai, Teynampet,
Chennai - 600 018.

2.The Assistant Treasury Officer,
Special Treasury,
Pudhukottai, Pudhukottai District.

3.The Block Educational Officer,
Thiruvarankulam,
Pudhukottai – 622 303,
Pudhukottai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the first respondent's impugned Letter No.PEN/17/IV/Pt.8797/2021/47876 dated 11.02.2021, quash the same and consequently direct the first respondent to incorporate the petitioner's wife Dhanalaskhmi as a nominee to receive family pension after the lifetime of the petitioner in accordance with law and thus render justice.



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For Petitioner : Mr.J.John

For Respondents : Mr.S.Mahalakshmi for R1

Mr.K.Balasubramani,
Special Government Pleader for R2 & R3.

ORDER

Heard the learned counsel on either side.

2.The petitioner wants the respondents to recognise his marriage with one Dhanalakshmi. The petitioner retired as Headmaster in a government school on 30.06.1996. According to the petitioner, he got married to one Valliammai in the year 1967 and the said Valliammai passed away on 29.05.1989. Through the said Valliammai, the petitioner begot three children. After her demise, the petitioner married Dhanalakshmi who is none other than Valliammai's sister. Unfortunately, the marriage registration certificate states that the marriage between the petitioner and Dhanalakshmi was solemnized in the year 1979.

3.I cannot fault the impugned communication dated 11.02.2021 issued by the first respondent. Admittedly, during the year 1979, Valliammai was very



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much alive. Therefore, the first respondent has rightly proceeded on the footing that the said marriage cannot be recognized. The learned standing counsel for the first respondent relies on the decision of the Hon'ble Division Bench of this Court reported in **2018-1-Writ L.R. 725 (R.Rajathi Vs. The Superintendent Engineer, TANGEDCO Ltd.)**. The learned counsel also pointed out that the petitioner had all along projected as if the three children who were born in the year 1980, 1982 and 1984 were born through Dhanalakshmi. In these circumstances, the question of quashing the impugned communication does not arise at all.

4.However, the petitioner can very well be given an effective relief. The learned counsel for the petitioner draws my attention to G.O.(Ms)No.598, Finance (Pension) Department, dated 27.08.1993. Clause 2 (i) of the said government order reads as follows:-

“2 i) If a pensioner marries or re-marries after retirement, he shall intimate the event to the pension sanctioning authorities in the Application prescribed in the Annexure to this order. He shall also furnish along with his application an attested copy of the marriage certificate from the Registrar / Village Panchayat / District Magistrate in respect of the post-retirement marriage.”



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5. Even if the marriage between the petitioner and Dhanalakshmi had taken place in the year 1979 and was void, still there is no bar for the petitioner to once again formally marry the said Dhanalakshmi. The petitioner can very well perform a civil marriage. As on date, Valliammai is not alive. There is absolutely no impediment for the petitioner to lawfully marry Dhanalakshmi. After the petitioner obtains a marriage certificate, the petitioner can very well approach the first respondent through proper channel. As and when a revised proposal is received from the petitioner by enclosing the marriage certificate indicating the petitioner's marriage with Dhanalakshmi, Dhanalakshmi shall be incorporated as nominee to receive family pension.

6. This writ petition is disposed of with the aforesaid liberty to the petitioner and direction to the first respondent. No costs.

12.06.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To:-



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G.R.SWAMINATHAN, J.

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