



W.P(MD)No.7473 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7473 of 2023

V.Meenakshi

... Petitioner

Vs.

1.The Accountant General,
Office of the Accountant General,
261, Anna Salai, Chennai – 600 018.

2.The District Treasury Officer,
Office of District Treasury,
Tiruchirappalli,
Tiruchirappalli District.

3.The Chief Educational Officer,
Tiruchirappalli,
Tiruchirappalli District.

4.The District Educational Officer,
Tiruchirappalli,
Tiruchirappalli District.

5.The Secretary,
National College Higher Secondary School,
Tiruchirappalli,
Tiruchirappalli District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to sanction and disburse forthwith the retirement benefits of the petitioner's late husband Mr.M.Mathrubootham Viz., General Provident Fund, Death-cum-Retirement Gratuity, Family Pension and Special Provident Fund to the petitioner.

For Petitioner : Ms.M.F.Rooshi Maas.
For M/s.Isaac Chambers.

For Respondents : Mrs.S.Mahalakshmi for R1.
Mr.N.Satheesh Kumar,
Addl. Government Pleader for R2 to R5.

ORDER

Heard the learned counsel on either side.

2.One Mathrubootham was employed as P.G.Assistant (English) in the fifth respondent school. He passed away in the year 2012. The question that arises in this writ petition is regarding disbursement of his terminal benefits.



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3.Mathrubootham was originally married to Lakshmi. He also begot two children through her. The marital relationship however came under strain. He filed H.M.O.P.No.10 of 2001 before Sub Court, Ariyalur and the marriage was dissolved. Even before formally dissolving his marriage with Lakshmi, Mathrubootham got married to Meenakshi in the year 1997. Realizing that the marriage with the petitioner was not valid, he underwent what is known as 'punar vivham' on 20.01.2002. In other words, Mathrubootham once again solemnly married the petitioner. Through Meenakshi, he had begotten one child. The jurisdictional Civil Court (III Additional District Munsif, Tiruchirappalli) had decreed the suit on 26.09.2022 in O.S.No.173 of 2013 that the children born through the first wife Lakshmi as well as the petitioner and the child born through the petitioner are the legal heirs of the deceased Mathrubootham. The petitioner states that all the relevant details had already placed before the fifth respondent. The fifth respondent is directed to prepare a fresh pension proposal and forward the same through proper channel. Since the entitlement of the parties are beyond dispute, payment of terminal benefits shall be sanctioned and also disbursed to the petitioner as well as the other legal heirs as per law.



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It is well settled that while all the legal heirs will have equal share in the terminal benefits, it is only the spouse who can receive pension. It is seen from the records, the petitioner alone is the legally wedded wife of Mathrubootham. The entire exercise shall be completed within a period of four months from the date of receipt of a copy of this order.

4.This writ petition is allowed on these terms. No costs.

27.06.2023

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

- 1.The District Treasury Officer,
Office of District Treasury,
Tiruchirappalli,
Tiruchirappalli District.
- 2.The Chief Educational Officer,
Tiruchirappalli,
Tiruchirappalli District.
- 3.The District Educational Officer,
Tiruchirappalli,
Tiruchirappalli District.

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4.The Secretary,
National College Higher Secondary School,
Tiruchirappalli,
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G.R.SWAMINATHAN, J.

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