



W.P.(MD).No.4573 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 28.11.2023

CORAM

**THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN**

W.P.(MD).No.4573 of 2019

A.S.Jayalakshmi

.. Petitioner

Vs.

1.The Secretary to Government,
Home Department,
Fort St.George,
Secretariat,
Chennai - 600 009.

2.The Principal Accountant General,
(Accounts and Entitlements),
361, Anna Salai,
Chennai – 600 018.

3.The Registrar General,
Madras High Court,
Chennai.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, to call for the records, pertaining to the impugned order passed by the 1st respondent in Letter No. 91244/CTS.V/2016-6, dated 23.08.2017 confirming the order passed by the



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2nd respondent dated 27.10.2014 in Pen 33/I/10895/14-15/313/10034, and quash the same and consequently direct the respondents to restore the family pension payable to the petitioner of her 1st husband namely late T.Nagendiran, Principal District Munsif, Erode with effect from the date of death of the petitioner's 2nd husband i.e., 13.12.2012.

For Petitioner	: Mr.G.Mohankumar
For R-1	: Mr.S.Shanmugavel Additional Government Pleader
For R-2	: Mr.P.Gunasekaran
For R-3	: Mr.D.Venkatesh

ORDER

(Order of the Court was made by S.M.SUBRAMANIAM,J.)

The rejection of family pension to the petitioner by the Principal Accountant General of Tamil Nadu in proceedings dated 27.10.2014 is sought to be quashed in the present Writ Petition.

2. The petitioner admittedly is now working as an Assistant in Principal Sub Court at Tirunelveli. The petitioner states that she is the native of Shenkottai, Tirunelveli District and got married to Mr.T.Nagendran on 05.06.2002. Mr.T.Nagendran was then working as Judicial Magistrate at



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Kotagiri. He died on 15.12.2008. The petitioner was appointed on compassionate grounds as Junior Assistant in Erode District on 03.11.2010. Subsequently, she was transferred to Tirunelveli and got promoted to the post of Assistant and presently posted in Principal Sub Court at Tirunelveli. The petitioner re-married Mr.K.Saravana Perumal on 10.07.2011. Unfortunately, the second husband of the writ petitioner died on 13.12.2012 due to heart attack. The petitioner submitted an application seeking family pension consequent to the death of her first husband, Mr.T.Nagendran on 15.12.2008.

3. The learned counsel appearing on behalf of the Principal Accountant General of Tamil Nadu made a submission that as per Rule 49(6) of the Tamil Nadu Pension Rules, once the widow got re-married, she is not entitled to claim family pension. In the present case, the petitioner is working as an Assistant in Principal Sub Court, Tirunelveli and her case cannot be considered as an exceptional case warranting grant of family pension.



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4. The petitioner could not able to establish any special circumstances or necessity for grant of such family pension and admittedly, she is working as an Assistant in the Judicial Department. That being the factum, the petitioner is not entitled for family pension on account of the death of her first husband, Mr.T.Nagendran on 15.12.2008. On account of re-marriage with one K.Saravana Perumal, the petitioner cannot be construed as a widow of late T.Nagendran and thus, Rule 49(6) of the Tamil Nadu Pension Rules would squarely apply to the case of the petitioner. Thus, the Writ Petition is devoid of merits.

5. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

(S.M.S.,J.) (V.L.N.,J.)
28.11.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm



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