



W.A.(MD)No.1775 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.10.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

**AND**

**THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN**

W.A.(MD)No.1775 of 2023

and

C.M.P(MD)Nos.13537 and 13538 of 2023

P.Vasantha

... Appellant / Petitioner

Vs.

1.The Principal Account General (A&E) Tamil Nadu

Door No.361, Anna Salai,

Teynampet, Chennai-600 083.

2.The Deputy Director,

Department of Health Services,

Sivakasi, Viruthunagar District.

3.The Assistant Treasury Office,

Sub Treasury Office,

Sivakasi, Virudhunagar District.

...Respondents / Respondents



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**PRAYER:** Writ Appeal filed under Clause 15 of Letters Patent Act, to set aside the order passed in W.P.(MD)No.21554 of 2018, dated 22.10.2018 on the file of this Court.

For Appellant : Mr.A.P.Muthupandian  
For R1 : Mr.P.Gunasekaran  
For R2 & R3 : Mr.N.Satheeshkumar  
Additional Government Pleader

### **JUDGMENT**

(Judgment of the Court was delivered by ***S.M.SUBRAMANIAM, J.***)

This appeal has been instituted against the order dated 22.10.2018 passed in W.P.(MD)No.21554 of 2018. The learned Single Judge found that the name of the appellant has been mentioned by her late husband in the nomination form with regard to the death cum gratuity benefits and also submitted the nomination of the appellant to the respondents. However, the deceased husband of the appellant was receiving both pension and family pension of his deceased first wife and the said fact was suppressed by the deceased husband of the appellant. That being the factum, the learned Single Judge declined to grant relief as such sought for in the Writ Petition.



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2.On examination of the document, we find that family pension due to the appellant if any, is to be considered in accordance with the Tamil Nadu Pension Rules, 1978 in force. The declaration of the second marriage and the particulars of the second wife if provided in consonance with the Tamil Nadu Pension Rules, 1978 in the prescribed format, then the appellant's case is to be considered for grant of pension in the manner known to law. Since the appellant has not stated clearly about the declarations and particulars in the prescribed format to the competent authority, we are unable to form an opinion regarding the eligibility of the appellant to get family pension. However, the learned Single Judge has not considered the fact that the second marriage was informed by the deceased employee to the department. Therefore, whether the second marriage was solemnized during the life time of the first wife or not is to be verified by conducting an enquiry and the appellant may be asked to produce all those records to scrutinize and ascertain her eligibility to draw the family pension.

3.In view of the facts and circumstances, the order passed by the learned Single Judge dated 22.08.2018 in W.P.(MD)No.21554 of 2018 is set aside and the respondents are directed to consider the application if any submitted by the writ



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petitioner for grant of family pension by following the procedures as contemplated under the Rules in force.

4.With these directions, this Writ Appeal stands disposed of. No costs.

Consequently, connected miscellaneous petitions are closed.

**(S.M.S., J.) & (V.L.N., J.)**

**04.10.2023**

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

*Yuva*

To

- 1.The Deputy Director,  
Department of Health Services,  
Sivakasi, Viruthunagar District.
- 2.The Assistant Treasury Office,  
Sub Treasury Office,  
Sivakasi, Virudhunagar District.



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**S.M.SUBRAMANIAM, J.**

**AND**

**V.LAKSHMINARAYANAN, J.**

*Yuva*

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