



W.P.(MD).No.16706 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 17.10.2023

CORAM

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

W.P.(MD).No.16706 of 2020

V.Venugopal

.. Petitioner

Vs.

1.The Principal Accountant General,
Door No.361, Anna Salai,
Chennai – 600 018.

2.The District Social Welfare Officer,
Ramanathapuram District.

3.The Block Development Officer,
Paramakudi Panchayat Union,
Paramakudi,
Ramanathapuram District.

4.U.Ravi

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents 1 to 3 to disburse the death benefits, family pension and other service benefits of the deceased wife of the petitioner, Sivakali within a time frame that may be stipulated by this Court.



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For Petitioner : Mr.J.Barathan
For R-1 : Mr.P.Gunasekaran
For R-2 & R-3 : Mr.S.Shanmugavel
Additional Government Pleader
For R-4 : Mr.R.Senthilkumar

ORDER

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

The writ petitioner, Mr.V.Venugopal, during the lifetime of his first wife, deceased employee Smt.Sivakali contracted second marriage with one Smt.Devika, D/o.Natarajan. Hence, even during the lifetime of the deceased Government employee, her husband Venugopal contracted second marriage and therefore, as per the Pension Rules, Mr.V.Venugopal is not entitled to receive family pension under Rule 49(6). Thus, while clarifying the procedures for nominating the spouse for the purpose of grant of family pension in W.P.(MD).No.23181 of 2019, we made it clear that Mr.V.Venugopal, writ petitioner in W.P.(MD).No.16706 of 2020, is not eligible for family pension under the Tamil Nadu Pension Rules, 1978.



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2. Accordingly, the Writ Petition stands dismissed. There shall be no order as to costs.

(S.M.S.,J.) (V.L.N.,J.)
17.10.2023

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

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