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W.P.(MD)NO.15233 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.06.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.15233 of 2023

U.Sandhya

... Petitioner

Vs.

1. The District Collector,
Kanyakumari District,
Nagercoil Post,
Kanyakumari District.

2. The Assistant Director of Town Panchayats,
Nagercoil Zone,
Collectorate Campus,
Kanyakumari District.

3. The Executive Officer,
Killiyur Town Panchayat Office,
Killiyur Post,
Kanyakumari District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 3 to take appropriate action for disbursement of family pensionary benefits to the petitioner's family and to the twin children born out of living in relationship of the petitioner's husband and to the widowed mother of the petitioner's husband as mandated in Tamil Nadu Pension Rules 1978 by considering the petitioner's representation dated 20.03.2023, within the period that may be stipulated by this Court.



For Petitioner : Mr.K.Ponnaiah
For R-1 & R-2 : Mr.G.Suriyananth,
Additional Government Pleader.

For R-3 : Mr.M.Lingadurai,
Special Government Pleader.

* * *

ORDER

Heard the learned counsel on either side.

2. The petitioner's husband Umakanthan was employed as Executive Officer. He passed away on 05.04.2020. It appears that though he had crossed the age of superannuation, disciplinary action for major penalty proceedings was pending.

3. Be that as it may, the said proceedings would stand abated. Now the question that calls for consideration is disbursement of family pensionary benefits. It appears that the said Umakanthan had relationship with another woman by name Bagyalakshmi and that she had also staked rival claim.



4. It is well settled that it is only one person can be a legally wedded wife and there is no such recognition for second wife. However children born through the second wife would also be entitled to a share in the terminal benefits but the pension has to be given only for the spouse.

5. The third respondent will bear in mind the legal position and prepare proposals accordingly. This shall be done by the third respondent within a period of four weeks from the date of receipt of a copy of this order. The second respondent shall also process the same and forward to the first respondent. The first respondent will pass appropriate orders on merits and in accordance with law after taking into account all the relevant materials. If necessary, notice of personal hearing shall be given to the rival claimants also. The entire exercise of passing final order and also disbursement of the benefits shall be complied with within a period of five months from the date of receipt of a copy of this order. This writ petition stands disposed of accordingly. No costs.

26.06.2023

NCS : Yes / No
Index : Yes / No
Internet : Yes / No
PMU



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To:

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WEB COPY



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G.R.SWAMINATHAN,J.

PMU

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