



W.P.(MD)No.6616 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.04.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.6616 of 2016

and

W.M.P.(MD)No.5723 of 2016

R.MaheswaryAmma

... Petitioner

vs.

1.The Principal Accountant General(A and E),
Tamilnadu,
Anna Salai,
Chennai – 18.

2.The District Collector,
Tirunelveli District,
Tirunelveli.

3.The Tahsildar,
Tirunelveli Taluk,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of ***Writ of Certiorarified Mandamus***, call for the records on the files of the 2nd respondent pertaining to his order bearing No.Moo.Moo.51773/2014(M2)



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dated 19.12.2014 and to quash the same and consequently direct the 2nd and 3rd respondents to forward the pension proposals submitted by the petitioner for family pension to the authorities concerned /1st respondent within a stipulated time that may be fixed by this Court.

For Petitioner : S.C.Herold Singh

For Respondents : Mr.Gunasekaran for R-1
Additional Central Government
Standing Counsel

Mr.R.Suresh Kumar
Additional Government Pleader
for R-2 and R-3

ORDER

This Writ Petition has been filed for issuance of *Writ of Certiorarified Mandamus*, to quash the impugned notification, dated 19.12.2014 with consequential relief to forward the pension proposals submitted by the petitioner and grant family pension.

2. The petitioner married one T.Veerapathiran, who was appointed on 29.05.1967 as Record Clerk. Even at the time of appointment, the deceased employee was already married to one Shenbagam and their marriage was solemnized on 09.12.1964. The petitioner marriage with the deceased employee



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took place on 25.05.1967. The petitioner was also appointed as Typist, with effect from 09.06.1976. After serving in the Revenue Department, she has attained superannuation and retired from service on 31.05.2009. Out of the wedlock, the petitioner is having two children, namely V.M.Gandhimathi and V.M.Sangeetha. The 1st wife is having three children, namely Ramasubbu, Tamilselvi and Gomathinayagam. The petitioner's husband had retired from service on 30.06.2001 and has received the entire terminal benefits. The 1st wife died on 22.12.2009 and the petitioner's husband died on 02.03.2014. The petitioner is receiving pension for her service. Now, the claim of the petitioner is she being surviving wife of the deceased employee, she is entitled to family pension.

3. The contention of the respondent is that the 2nd wife cannot receive any pension as per Tamil Nadu Pension Rules since the 2nd marriage is not recognized as per law. The 1st wife may be entitled to pension but she pre-deceased the deceased employee wherein the 1st wife died on 22.12.2009 and the petitioner's husband died on 02.03.2014. The petitioner's husband retired on 30.06.2001 and has received entire terminal benefits. Hence the petitioner is not



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entitled for terminal benefits. Therefore, this Court is not inclined to entertain this writ petition.

4. Accordingly, this Writ Petition stands dismissed. No Costs.

Consequently, connected miscellaneous petition is closed.

Index : Yes / No
Internet : Yes
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To

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The Tahsildar,
Tirunelveli Taluk,
Tirunelveli District.



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S.SRIMATHY, J

ksa

Order made in
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