



W.P.(MD).No.25021 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.06.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.25021 of 2019

Ganthi Antony

... Petitioner

Vs.

- 1.The Accountant General (Pension),
Office of the Accountant General,
361, Annasalai,
Teynampettai,
Chennai – 600 018.
- 2.The Chief Educational Officer,
Office of the Chief Educational Office,
Collectorate Buildings,
Tirunelveli District.
- 3.The District Educational Officer,
Office of the District Educational Office,
National Highway 40,
Tirunagar,
Tirunelveli Town,
Tirunelveli District.
- 4.The Assistant Additional Elementary Educational Officer,
Office of the Assistant Additional Elementary Educational Officer,
Kadayam,
Tirunelveli District.



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5.The Correspondent,
R.C.Elementary School,
Veikalipatti,
Tirunelveli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents herein to pay the Pension amount payable to the petitioner's wife namely Susai Agnis having P.P.O No.T 118657 to the petitioner on the basis of the petitioner's representation dated 15.11.2019 within the time stipulated by this Court.

For Petitioner : Mr.S.Sathyachidambaram

For R-1 : Mr.P.Gunasekaran,
Standing Counsel.

For R-2 to R-4 : Mr.V.Omprakash,
Government Advocate.

For R-5 : No Appearance

ORDER

This Writ Petition is filed for Mandamus, directing the respondents to pay the Pension amount payable to the petitioner's wife namely Susai Agnis having P.P.O No.T 118657 to the petitioner on the basis of the petitioner's representation dated 15.11.2019.



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2. The petitioner's wife namely Susai Agnis had served as Secondary Grade Teacher since 15.01.1962 and she retired on 31.07.1996. She has been getting her pension from 01.08.1996 onwards and thereafter, she died on 28.05.2013. The contention of the petitioner is that the petitioner had married the said Susai Agnis on 11.02.1976 and the same was registered in the Church. To this effect, the petitioner has produced the copy of the 'Extract from the Register of Marriages' certificate signed by the Parish Priest, Church of St.James, Viravanallur, Tirunelveli.

3. However, the learned counsel appearing for the respondents submitted at the time of appointment of Susai Agnis, she had declared herself as spinster. Subsequently, after marriage also she had not changed her status all these years. Therefore, the alleged marriage is not established by the petitioner.

4. After considering the rival submission, this Court is of the considered opinion that in the given circumstances, the marriage certificate issued by the aforementioned Church may be one of the evidences, but the same is not sufficient, since the deceased employee has not disclosed her marital status



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during her life time. Hence, in addition to the said Marriage Certificate, the petitioner is directed to submit marriage photo and invitation. Based on this, the official respondents shall consider and pass orders. If the official respondents convinced with the evidence submitted by the petitioner, then the petitioner may be entitled to terminal benefit and the same shall be disbursed to the petitioner. The said exercise shall be completed within a period of eight (8) weeks from the date of submission of the aforesaid evidence.

5. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

06.06.2023

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



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S.SRIMATHY, J.

Nsr

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