



W.P(MD)No.24542 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.10.2023

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.24542 of 2023

S.Ramesh

... Petitioner

Vs.

- 1.The Secretary,
Pension Department,
Government of Tamil Nadu,
St.George Fort, Chennai.
- 2.The Accountant General,
(Accounts and Entitlements),
Tamil Nadu,
No.361, Anna Salai,
Chennai-600 018.
- 3.The Director,
Government of Tamil Nadu,
Health Department,
Tenampettai, Chennai.
- 4.The Deputy Director,
Health Department,
Old Government Hospital Campus,
Pudukottai Town,
Pudukottai District.
- 5.The Block Health Officer,
Primary Health Centre,
Karaiyoor Post,
Ponnamaravathy Taluk,
Pudukottai District.



W.P(MD)No.24542 of 2023

6.Subbaiah

7.Rajamani

... 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 1 to 5 to take action against the 6th and 7th respondents for creation of the forged document and produced before the authorities and consequently direct the respondents 1 to 5 to include the petitioner's name and his mother name as wife and son of 6th respondent's Service Register within the stipulated time fixed by this Court.

For Petitioner : Mr.S.Alagusundar

For R1,R3 - R5 : Mr.T.Villavankothai
Additional Government Pleader

For R2 : M/s.Mahalakshmi

ORDER

The present writ petition has been filed seeking a Mandamus directing the official respondents to initiate action as against the 6th and 7th respondents for creating of forged documents. Consequently, the petitioner has sought for a direction to the official respondents to include the petitioner's name and the petitioner's mother name as son and wife of the 6th respondent in the Service Register.

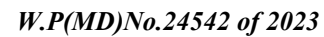


W.P(MD)No.24542 of 2023

2. The 6th respondent had originally got married to the writ petitioner's mother, namely Selvi and thereafter, the said Selvi was divorced by the 6th respondent herein by way of an ex-parte divorce decree. The said Selvi has not chosen to challenge the said ex-parte divorce decree.

3. According to the learned counsel appearing for the writ petitioner, after divorce decree, the 6th respondent has entered into a marriage with the 7th respondent at a time when the marriage of the 7th respondent with one Selvam was subsisting and therefore, second marriage was not legally valid. However, the authorities have relied upon the 2nd marriage of the 6th respondent with 7th respondent and entered the name of the 7th respondent and the children born through the 7th respondent in the Service Register. Hence, the present writ petition has been filed.

4. The narration of the above said facts will clearly indicate that the mother of the writ petitioner has already been divorced and she may not have any right to seek a mandamus to include her name in the Service Register. The 6th respondent has already attained superannuation on



5. However, the learned counsel for the petitioner points out that marriage of the 6th respondent with the 7th respondent is not legally valid and therefore, the 7th respondent or her children should not be entitled to any benefits out of the said wedlock. However, the said issue has to be decided only by the authorities concerned at the relevant point of time.

6. With the above said observations, this Writ Petition stands disposed of. No costs.

10.10.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR,J.

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