



W.P.No.324 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2024

CORAM :

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.324 of 2024 and
W.M.P.No.391 of 2024

A.Jancy

...Petitioner

-Vs-

1. The Executive Officer,
Zone-I, Greater Chennai Corporation,
Tiruvottiyur Zone,
Chennai-600 019.

2. The Commissioner,
Greater Chennai Building,
Ripon Building Park Town,
Chennai-600 003.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records relating to Ma.Ava.Thu.Ka.No.R.1483/2023 dated 06.10.2023 passed by the 1st Respondent and quash the same and consequently direct the 1st respondent to disburse the pensionary benefits due to the petitioner's husband from the date of his passing, included arrears in pension.



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For petitioner : Mr.L.P.Maurya
For respondents : Mr.E.C.Ramesh
Standing Counsel

ORDER

This writ petition has been filed challenging the order passed by the 1st respondent dated 06.10.2023 and consequently direct the 1st respondent to disburse the pensionary benefits due to the petitioner's husband from the date of his passing, included arrears in pension.

2. Heard, the learned counsel appearing on either side.

3. The petitioner got married one, A.Alexander on 15.05.2000.

The said A.Alexander was working as Tax Collector at Zone-I, Greater Chennai Corporation, Tiruvootiyur Zone, Chennai. He had got married one Mrs.A.Blendina Kanthibai and she was working as School Teacher in the State Government School at Purasaiwalkam. Due to ill health, she died in the year 1996. The petitioner is also being a widow, she got married the said Mr.A.Alexander in the year 2000. The said A.Alexander got retired from his service on 30.06.1999 and died on 24.06.2018. While he was in service, he entered his wife Mrs.A.Blendina Kanthibai as nominee in the service record of Mr.A.Alexander. He did not make any entry about his



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second marriage in the service records. Therefore, the claim of the petitioner was not considered and the petitioner approached this Court in W.P.No.5780 of 2019. This Court directed the petitioner to produce all the documents before the authorities concerned to prove her bonafides while seeking family pension. However, the petitioner failed to produce her marriage registration certificate, legal heirship certificate of the deceased Mr.A.Alexander and pension payment order of Mr.A.Alexander in order to seek family pension. Further, as per the service records, Mrs.Blendina Kanthibai was only mentioned as wife of Mr.A.Alexander. Even according to the petitioner, she died in the year 1996 and only thereafter, the said A.Alexander was retired from his service on 30.06.1999. Thereafter, he also received pension till his demise i.e., on 24.08.2018. If the said A.Alexander married the petitioner, he would have entered the petitioner's name in the service records for the purpose of getting family pension. But, the said Alexander did not mention the name of the petitioner in his service records. Therefore, the claim of the petitioner was rightly rejected by the 1st respondent.

4. Therefore, this court finds no infirmity or illegality in the order



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passed by the first respondent dated 06.10.2023. Hence, this writ petition is devoid of merits and liable to be dismissed. However, the petitioner is at liberty to approach the Civil Court for declaration declaring her as legally wedded wife of the said A.Alexander and produce the order before the first respondent and to seek family pension. Accordingly, this writ petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

12.02.2024

Index : Yes/No
Internet: Yes/No
gvn



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To

WEB COPY

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Tiruvottiyur Zone,
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2. The Commissioner,
Greater Chennai Building,
Ripon Building Park Town,
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G.K.ILANTHIRAIYAN,J.
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