



W.P.No.1462 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2024

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.1462 of 2021
and W.M.P.Nos.1640 of 2021 & 23576 of 2023

E.Ranganayaki

... Petitioner

/vs/

1.The Chairman,
Chennai Port Trust,
Chennai – 600 001.

2. The Senior Accounts Officer (Pension),
Chennai Port Trust,
Chennai – 600 001.

3. Kalavathy

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondent Port Trust to grant family pension to the petitioner herein who is the second wife of late Mr.G.Ekambaram, by cancelling the disbursal made to the third respondent Mrs.Kalavathy and pay the pension to the petitioner herein from the date of death of G.Ekambaram.



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For Petitioner ... Mr.G.Thiyagarajan

WEB COPY For Respondents ... Mr.K.Lavan for R1 and R2

No appearance for R3

ORDER

Heard Mr.G.Thiyagarajan, the learned counsel for the petitioner,
Mr.K.Lavan, the learned counsel for R1 and R2.

2. The petitioner who claims herself as the second wife of the deceased G.Ekambaram who was a Government employee, has filed this writ petition stating that she is entitled to get the family pension of the deceased and hence the order passed to disburse the family pension to the third respondent should be cancelled and appropriate direction should be given.

3. Mr.K.Lavan, the learned counsel for the respondents 1 and 2, submitted that as per the nomination given by the deceased employee, the third respondent is shown as his wife and hence the family pension is being disbursed to her.

4. Mr.G.Thiyagarajan, the learned counsel for the petitioner, submitted



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that the deceased Government employee has filed a counter in one of the civil disputes where he himself has admitted that he got married thrice and the third respondent is the third wife.

5. But from the said statements, it cannot be presumed whether the deceased Government servant had entered into all three marriages while the earlier marriages were in subsistence. The deceased Government employee could have got married for three times but, when he himself declares in his nomination papers that the third wife is his legally wedded wife, then the Government respondents has got no other go except to disburse the family pension to her.

6. The petitioner claims that she had married the deceased Government servant not during the subsistence of the first marriage and that she is the legally wedded wife of the deceased. Without establishing her status and get a decree for declaration, no relief can be granted on this writ petition on the presumption that the petitioner is the legally wedded wife of the deceased and that she is entitled to get the family pension.



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WEB COPY 7. With the above observation, this writ petition is disposed. No costs.

Connected miscellaneous petitions are closed.

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Index: Yes / No

Speaking order / Non-speaking order

Neutral Citation Case : Yes / No

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WEB COPY To:

1. The Chairman,
Chennai Port Trust,
Chennai – 600 001.
2. The Senior Accounts Officer (Pension),
Chennai Port Trust,
Chennai – 600 001.



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R.N.MANJULA ,J.

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