



W.P.No.1354 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.1354 of 2024

J.Dhanammal

... Petitioner

-Vs-

1. The Union of India,
represented by its Secretary,
Ministry of Home Affairs,
Government of India,
New Delhi.
2. The Director-General,
Indo-Tibetan Border Police Force,
Block-II, C.G.O.Complex,
Lodhi Road,
New Delhi-110 003.
3. The Commandant,
52nd Battalion,
Indo-Tibetan Border Police Force,
Pratap Nagar Post, New Amritsar,
Punjab-143 001.
4. G.Pavithra

... Respondents



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Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the Respondents 1 to 3, particularly the Respondents 1 and 2 to consider the Petitioner's representation dated 20.12.2023, sent for grant of full pensionary benefits and other available benefits to the Petitioner on account of re- marriage of the 4th Respondent (ex- Wife of late J.Gopinath, died on 11.02.2018).

For Petitioner : Mr.R.Thanjan
For R1 to R3 : Mr.M.Aravind Kumar
CGPC

ORDER

This writ petition has been filed for direction directing the Respondents 1 to 3, particularly the Respondents 1 and 2 to consider the Petitioner's representation dated 20.12.2023, sent for grant of full pensionary benefits and other available benefits to the Petitioner on account of re- marriage of the 4th Respondent (ex- Wife of late J.Gopinath, died on 11.02.2018).

2. Heard the learned counsel on either side and perused the materials available on record.



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3. The petitioner is the mother of the deceased son. He got married with the fourth respondent on 15.09.2016. While he was working in the Indo-Tibetan Border Police Force, 52nd Battalion as CT/GD, died in an accident, on 11.02.2018. He died intestate leaving behind the petitioner, his father and the fourth respondent. Though her deceased son entered the petitioner's name as nominee in the service records, after his marriage the fourth respondent is also equally entitled to the death benefits of the deceased husband. Therefore, the petitioner and the fourth respondent agreed to receive the compensation equally.

4. Now, the fourth respondent got remarriage and she is living with her husband. Therefore, the petitioner submitted a representation seeking all other pensionary benefits and family pension of her deceased son to be granted in favour of the petitioner, on the ground that the fourth respondent got remarriage and she is living with her husband separately.



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To

1. The Secretary,
The Union of India,
Ministry of Home Affairs,
Government of India,
New Delhi.
2. The Director-General,
Indo-Tibetan Border Police Force,
Block-II, C.G.O.Complex,
Lodhi Road,
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G.K.ILANTHIRAIYAN. J,

mn

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