



WEB COPY



W.P.No.3473 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2024

CORAM:

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

W.P.No.3473 of 2024

D.Andro Meda Nalini @ Nalini

... Petitioner

-Vs-

1. The Greater Chennai Corporation,
represented by its Commissioner,
Rippon Building,
Chennai – 600 003.

2. The Zonal Officer,
Zone – 5, Mulakotharam,
Greater Chennai Corporation,
Chennai – 600 001.

3. The Secretary to Government,
Municipal Administration,
Water Supply Department,
Government of Tamil Nadu,
Fort St.George, Chennai – 600 009.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, to direct the first respondent to disburse the Family Pension and arrears of family pension to the petitioner.

For Petitioner : M/s Beulah John Selvaraj

For R3 : Mrs.R.I.Karthika
Government Advocate

ORDER



W.P.No.3473 of 2024

This writ petition has been filed for direction directing the first respondent to disburse the Family Pension and arrears of family pension to the petitioner.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the third respondent and perused the materials available on record.

3. The petitioner's husband was employed as Additional Health Officer in Zone-V under the Greater Chennai Corporation. He retired from service on 01.03.2002. Thereafter, he died on 06.07.2021. The petitioner's husband originally got married to one Sarojini and they had no issues. Thereafter, the petitioner's husband filed a divorce petition in O.P.No.464 of 1980 and sought for divorce by mutual consent on the file of the VI Assistant Judge, City Civil Court, Madras. It was allowed and granted divorce by the Judgment and Decree dated 03.03.1981. Thereafter, her husband got married with the petitioner, on 14.06.1985 and gave birth to female child. In fact, the petitioner's husband nominated the petitioner's name in his service register. Even then, the petitioner was not disbursed with any family pension and arrears and she was directed to produce legal heirship certificate and succession certificate. The petitioner



W.P.No.3473 of 2024

obtained legal heirship certificate, on 30.09.2021 and produced before the first respondent. The petitioner also filed a petition seeking succession certificate before this Court in O.P.No.653 of 2022 and she was issued with succession certificate dated 08.03.2023. She also produced the same before the first respondent.

4. Therefore, the petitioner is a legally wedded wife of the deceased Damodara Reddy. That apart, there is no rival claimant. Hence, she is entitled for family pension of her deceased husband. Therefore, the first respondent is directed to disburse the family pension and arrears of family pension if any, to the petitioner, within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above directions, this writ petition is disposed of. There shall be no order as to costs.

15.02.2024

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
mn

G.K.ILANTHIRAIYAN. J.

mn



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