



WEB COPY



W.P.No.4670 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2024

CORAM:

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

W.P.No.4670 of 2023 and
WMP.Nos.4671, 4672 & 4674 of 2023

Palaniammal

... Petitioner

Vs.

- 1.The Accountant General,
O/o.Principal Accountant General,
(Accounts and Entitlements)
Tamilnadu,
361, Anna Salai,
Chennai 600 018
- 2.The Treasury Officer,
Dharmapuri District
- 3.The Assistant Treasury Officer,
Office of the Treasury Office,
Pappireddipatty Taluk,
Dharmapuri District
- 4.The Chief Educational Officer,
Office of the Chief Educational Office,
Dharmapuri District
- 5.The District Educational Officer,
Harur,
Dharmapuri District
- 6.The Block Educational Officer,
Kadathur,
Dharmapuri District
- 7.Mari

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of



W.P.No.4670 of 2023

India praying to issue a writ of certiorarified mandamus calling for the records of the impugned order passed by the sixth respondent in his proceedings in Na.Ka.No.468/A2/2022 dated 25.01.2023 and to quash the same and consequently direct the respondents 1 to 6 to pay the family pension in accordance with law.

For Petitioner : Mr.J.Pradeep

For Respondents

For R4,5&6 : Mrs.S.Mythreye Chandru,
Special Government Pleader

For R1 : Mr.S.Balaji,
Standing Counsel

For R7 : Mr.P.Krishnasamy Chinnasamy

For R2 & 3 : Mr.K.Tamilvendan,
Government Advocate

ORDER

This writ petition has been filed challenging the order passed by the sixth respondent dated 25.01.2023 thereby ordered to pay pension to the seventh respondent.

2. The case of the petitioner is that one, Veerappan who had



W.P.No.4670 of 2023

worked as Tamil Pandit in the sixth respondent Office died on 30.07.2014. He got married the seventh respondent and thereafter, they obtained customary divorce in the presence of elders. The said customary divorce was registered before the Sub Registrar, Pappireddipatty as document No.20 of 1982. Thereafter, the seventh respondent got married another person one, Perumal and the same was also registered before the Sub Registrar, Pappireddipatti in document No.21 of 1982. Thereafter, the petitioner got married the said Veerappan on 28.01.1983 and gave birth to a female child. On the demise of the said Veerappan, the petitioner approached the official respondents seeking family pension. However, the seventh respondent also claimed family pension. Therefore, the petitioner filed suit in OS.No.171 of 2014 before the District Munsif Court, Pappireddipatti and the matter has been settled between them before the Lok Adalat. As per the settlement, they will share the family pension equally. However, now by the order dated 25.01.2023, the sixth respondent recommended for payment of family pension in favour of the seventh respondent.

3. The learned counsel for the petitioner would submit that after customary divorce between Veerappan and the seventh respondent,



W.P.No.4670 of 2023

it was duly registered before the Registrar Office concerned. In fact, thereafter the seventh respondent also got married one, Perumal and the same was also registered as document No.21 of 1982. Therefore, she is not the wife of the said Veerappan as she re-married the said Perumal. Hence, she is not entitled for family pension.

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

5. On perusal of the registration of marriage of the seventh respondent with one, Perumal, the same is in hand written form. According to the official respondents, the seventh respondent so far did not marry anyone and she is the legally wedded wife of the said deceased Veerappan. In fact, her name was entered by the deceased in his service registered as nominee. Therefore, the sixth respondent rightly passed the order impugned in this writ petition.

6. Accordingly, this writ petition is dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.



W.P.No.4670 of 2023

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Neutral citation : Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
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G.K.ILANTHIRAIYAN, J.

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To

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W.P.No.4670 of 2023

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