



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2024

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THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.No.8832 of 2021 and
W.M.P.No.9370 of 2021

K.Rani

... Petitioner

Vs.

1.The District Superintendent of Police,
District Police Office,
Villupuram District.

2.The Senior Accounts Officer,
Office of the Accountant General (Accounts &
Entitlements),
No.361, Annasalai, Chennai 18.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the entire records pertaining to the order passed by the second respondent made in his proceedings PEN4/II/PT 13383/20-21 dated 22.10.2020 and quash the same and consequently, direct the second respondent to pay family pension to the petitioner herein in the capacity of the widow of the deceased Karuppasamy who died in harness on 25.09.1993.

For Petitioner

: Mr.N.Rajarajan for
Mr.B.Ramamoorthy



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W.P.No.8832 of



For Respondents

: Mr.R.U.Dinesh Rajkumar,AGP for R1
Mr.V.Murali for R2

ORDER

This Writ Petition has been filed for quashment of the order passed by the second respondent made in proceedings PEN4/II/PT 13383/20-21 dated 22.10.2020 and consequently, to direct the second respondent to pay family pension to the petitioner in the capacity of the widow of the deceased Karuppasamy, who died in harness on 25.09.1993.

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

3. The learned counsel for the petitioner submitted that the husband of the petitioner namely, Karuppusamy was employed as Constable in Tamilnadu Police Department, Villupuram District and died in harness on 25.09.1993. Thereafter, on compassionate ground, the petitioner was appointed as Sweeper in District Police Office, Villupuram. After the death of her husband, the petitioner filed a suit in O.S.No.515 of 1993 against one Kaliasammal, who was the first wife of the said Karuppusamy, to declare that



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the petitioner and her three children are legal heirs of the deceased Karuppusamy. As per the Hindu Law, the Court had passed an order rejecting the claim of the petitioner and declared the children of the petitioner as legal heirs of the deceased Karuppusamy, since the first wife of the deceased Karuppusamy died on 14.10.2006. As per the said judgment and decree, the benefits of the deceased Karuppusamy were received by the petitioner on behalf of her children as guardian. As per Section 7(a) of the Tamilnadu Pension Rules, 1978, it is very clearly mentioned that if there are two widows, both of them should be given equally and if there is no children for one widow, the other widow is entitled for equal share. As per the said rules, as a widow of the deceased Karuppusamy, the petitioner is entitled for family pension and the order of the second respondent is liable to be set aside.

4. The learned Additional Government Pleader appearing for the first respondent submitted that the petitioner was appointed as Sweeper on compassionate ground and joined the duty on 12.05.2010 and thereafter, she relieved from service on 30.06.2019. After that, she submitted a representation on 10.10.2019 seeking for family pension. A proposal was forwarded to Accountant General, Chennai for sanction of family pension to



her and in the letter No.Pen.4/II/Pt13383/20-21, dated 22.10.2020, the Accountant General, Chennai has informed that as per the Tamilnadu Pension Rules, the second wife of the deceased is not eligible to receive the family pension. Hence, the said representation was returned.

5. In view of the submissions made by the learned Additional Government Pleader and as per the Tamilnadu Pension Rules, it is seen that the second wife of the deceased is not eligible to receive the family pension. Hence, this Court is of the considered opinion that the order of the second respondent warrants no interference.

6. Accordingly, this Writ Petition stands dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

06.09.2024

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Index : Yes / No

Speaking order / Non-speaking order

To

1.The Director of Collegiate Education,
Chennai 600 006.



W.P.No.8832 of



2.The Regional Joint Director,
Office of the joint Director of Collegiate Education,
Chennai Region, Chennai 600 015.

3.The Administrative General & Official Trustee (AG&OT),
Madras High Court Building, Chennai 600 104.



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W.P.No.8832 of



VIVEK KUMAR SINGH, J.

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W.P.No.8832 of 2021 and
W.M.P.No.9370 of 2021

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