



W.P.No.9570 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2024

CORAM:

THE HONOURABLE MR. JUSTICE VIVEK KUMAR SINGH

W.P.No.9570 of 2021

J.Vijaya

... Petitioner

Vs.

1.The Additional Chief Secretary to Government,
Environment and Forests (FR.12) Department,
Secretariat, Chennai 600 009.

2.The Principal Chief Conservator of Forests,
Head of Department, Chennai 600 015.

3. The Divisional Forest Officer,
Social Forestry and Extension Division,
Sippayur Village, Ramapuram Post,
Collectorate Back side, Krishnagiri District.

4. Rajakumari

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for
issuance of a writ of Mandamus restraining the respondents 1 to 3 from



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disbursing the terminal benefits and family pension of late.Janaki Raman to the

4th respondent on the basis of the petitioner's representation dated 25.01.2021.

For Petitioner : Mr.K.Gandhikumar

For Respondents : Mr.Moorthy

Govt.Advocate.

ORDER

This writ petition has been filed to restrain the respondents 1 to 3 from disbursing the terminal benefits and family pension of late.Janaki Raman to the 4th respondent on the basis of the petitioner's representation dated 25.01.2021.

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

3. The learned counsel for the petitioner submitted that the petitioner's husband Late.Janakiraman worked as a driver under the 3rd respondent. While he was in service, a criminal case was registered and a charge sheet has been filed against the petitioner's husband before the Principal District Sessions



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Court, Dharmapuri in S.C.No.1 of 2008. After trial, he was convicted on 29.09.2011. Aggrieved against the said conviction, the petitioner's husband filed a criminal case in CrI.A.No.671 of 2011 in which he was released on bail. Her husband married the 4th respondent and due to misunderstanding, she left the matrimonial home. Thereafter, they jointly filed a petition in H.M.O.P.No.125 of 2017 before the District Court, Krishnagiri under mutual consent. In the meantime, the petitioner's husband expired on 18.11.2017 and thereafter divorced legally. Further, the 4th respondent is a retired teacher and she received the pension benefits.

4. Thereafter, the petitioner had made a representation to the third respondent stating that not to disburse the pension benefits and family pension to the 4th respondent. But till date, the third respondent did not take any action on the said representation. Hence, the petitioner has filed the present writ petition.

5. The learned Additional Government Pleader appearing for the respondents submitted that the pension benefits were sanctioned to the nominees mentioned by the deceased Government servant in his service register



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while in service. If there had been any Court order on divorce between the 4th respondent and the deceased Government servant, he should have informed the 3rd respondent and made necessary corrections in the nomination papers while in service. But he had not acted so. Moreover, the pension benefits were sanctioned to the legal heirs based on the legal heir certificate/death certificate and the nominations made by the deceased Government servant. The 3rd respondent should not be held responsible for the disbursement of the pension benefits. He had acted only on the valid documents and statutory certificates produced by the legal heir which were given by the Revenue Department. Hence, this writ petition is liable to be dismissed.

6. In view of the submissions made by the learned counsels on either side and also taking note of the fact that the petitioner's husband and the 4th respondent were jointly filed Divorce Petition in the year 2011 under mutual consent. But the petitioner's husband had a second marriage with the petitioner on 28.01.1994. So, the petitioner is not entitled to pensionary benefits. Moreover, the pension benefits were sanctioned to the nominees mentioned by the deceased Government servant in his service register while in service, the petition lacks merit and is liable to be dismissed.



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WEB COPY 7. Accordingly, this Writ Petition is dismissed. No costs.

20.12.2024

Index : Yes/No

Internet : Yes/No

Speaking : Non-speaking order

Neutral Citation : Yes/No

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To

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Secretariat, Chennai 600 009.

2.The Principal Chief Conservator of Forests,
Head of Department, Chennai 600 015.

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VIVEK KUMAR SINGH, J.

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