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W.P.No.10819 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2024

CORAM

THE HON'BLE **MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P.No.10819 of 2024

and

W.M.P.No.11925 of 2024

Kaveri

... Petitioner

Vs.

1.The Principal Accountant General (A&E),
No.371, Anna Salai,
Chennai – 600 018.

2.The Deputy Accountant General,
No.371, Anna Salai,
Chennai – 600 018.

3.The Joint Director of Public Health,
Vellore District,
Vellore.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the 2nd respondent vide his proceedings Pr.A.G.(A&E)/Legal Cell/WP 18166/2022/2023-24/1764/45161 dated 08.02.2024 and quash the same.



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For Petitioner : Mr.T.Muruganantham

For Respondents : Mrs.G.Vardini Karthik
for R1 and R2
Mr.P.Ganesan
Government Advocate
for R3

ORDER

The petitioner has filed this writ petition aggrieved by the order dated 08.02.2024, whereby, the reasons for refusal of family pension to the petitioner is communicated.

2. As per the affidavit as also the records produced along with the writ petition, it can be seen that one Thanigaimalai was the Government Servant. He was working as a Pharmacist in Government Hospital, Chennai. He got married to one Jayalakshmi in the year 1965. Even though there was difference of opinion between Thanigaimalai and his legally wedded wife one Jayalakshmi, Thanigaimalai filed O.P.No.99 of 1972, sought for restitution of conjugal rights. Thereafter, Thanigaimalai seems to have get into a living relationship with one Vijaya and they got three children. Thereafter, the said Vijaya died. Therefore, the said Thanigaimalai, married the petitioner namely Kavery.



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3. Admittedly as per the records, it can be seen that the marriage between the Thanigaimalai and Jayalakshmi was not dissolved by any Court of law. The said Jayalakshmi died only in the year 2020.

4. The Government Servant Thanigaimalai unfortunately pre-deceased Jayalakshmi as he died on 29.01.2000. Therefore, there was no scope for the petitioner even to become a legally wedded wife subsequently.

5. In view thereof, no exception whatsoever can be taken to the impugned order in denying the family pension. As far as the family pension to the children are concerned, even the children born to the petitioner, if they are entitled for family pension or any share in the terminal benefits or otherwise, it will be open for the petitioner to take such steps. As and when such application is made, the respondents shall consider the same and in accordance with law.



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6. This writ petition stands disposed of. No costs. Consequently, the connected writ miscellaneous petition is also closed.

22.04.2024

Index: Yes
Speaking Order: Yes
Neutral Citation: No
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To

- 1.The Principal Accountant General (A&E),
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