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W.P.No.12955 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P. No.12955 of 2020

P.Saroja

Vs.

Petitioner

1. Office of the Principal Accountant General,
(Accounts and Entitlements)
No.261, Anna Salai,
Chennai - 600 018.

2. Pensioner's Portal,
571, Anna Salai,
Nandanam,
Chennai - 600 035.

3. The Commissioner of Police,
O/o. Commissioner of Police,
Vepery, Chennai - 600 007.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of Mandamus,

- i. directing the 1st respondent to calculate the family pension accurately from the date of death of Amirthavali @ Valli being the first wife of the petitioner's husband late G.Puthiran i.e. 04.02.2003 to till date along with the emoluments and other benefits arising out of the pension and to deposit the same into the petitioner's family pension account vide payment order No.450390 /FA along with an interest to be calculated from the year 2003 to till date and,



W.P.No.12955 of 2020

WEB COPY

- ii. to direct the 1st respondent to deposit the full share of the family pension into the petitioner's pension account vide order No. 450390 / FA henceforth, for the reasons that the petitioner being the sole surviving window of her deceased Husband G.Puthiran.

For Petitioner : Mr.Sadhath

For Respondents

For R1 : Mr.V.Vijay shankar

For R2 and R3 : Mr.T.Rajendran,
Additional Government Pleader

ORDER

The Writ Petitioner who is the second wife of the deceased Government Employee, has filed this Writ Petition, subsequent to the death of the first wife of the Government employee for issuance of the Writ of Mandamus to direct the respondents to grant her full family pension.

2. The learned counsel for the petitioner submitted that subsequent to the death of the petitioner's husband who was working as a Head Constable, a dispute arose between the two wives with respect to family pension and other benefits, by virtue of the order, dated 21.08.1990. The family pension was ordered to be shared with the first wife and the petitioner on behalf of her minor children. Even in the pension order,



W.P.No.12955 of 2020

dated 21.08.1990, the petitioner was not given any pension, but her minor children were given shares in family pension along with the first wife.

3. As per the Pension Rules, if the Government Servant had married second time when the first marriage was in subsistence, the second wife will not get any terminal benefits of the Government Employee. In the Pension order dated 21.08.1990 it, has been rightly ordered that the first wife of the deceased Government Employee can get half share and the second wife can get the remaining half share on behalf of the minor children alone. At no stretch of imagination, the petitioner herein who married the Government employee when his first marriage was in subsistence, is eligible to get full pension and that she cannot claim full family pension after the death of the first wife of the deceased employee. Hence, the Writ Petition is dismissed as devoid of merits. No costs.

03.01.2024

Index: Yes / No
Speaking order / Non-speaking order
vum



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R.N.MANJULA ,J.

vum

To:

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