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W.P.No.18225 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2024

CORAM:

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

W.P.No.18225 of 2022

R.Ariyan

... Petitioner

Vs.

1. Government of Tamilnadu,
Represented by Principal Secretary to Government,
School Education Department,
Secretariat, Chennai 600 009
2. The Director of Elementary Education,
Chennai 600 006
3. The Principal Accountant General,
(Accounts and Entitlement),
Tamilnadu, Chennai 600 018
4. The Block Development Officer II,
Vallam, Villupuram District 604 206

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue Writ of Certiorarified Mandamus calling for the records relating to the order of the third respondent in Lr.No.P.22/3/12224447/ADK dated 09.02.2022, to quash the same and issue consequential directions to the third respondent to record the name Tmt.Vannila, the second wife of the petitioner in PPO No.C188051/EDA of the petitioner.



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For Petitioner : Mr.P.Murali

For Respondents

For R3 : Mrs.Hema Murali Krishnan,
Standing Counsel

For R1, 2 & 4 : Mr.S.Arumugam,
Government Advocate

ORDER

This writ petition has been filed challenging the order passed by the third respondent dated 09.02.2022, thereby rejected the request made by the petitioner to incorporate his second wife's name in the pension payment order.

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

3. The petitioner had entered into service in the School Education Department and retired from service on 30.01.2005. He was settled with all retirement benefits. While he was in service, he got married one, Tamilmani. When she was very much alive, he got married



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one, Vennilla as the second wife on 12.02.1982. Thereafter, on 14.10.2015, his first wife i.e. Tamilmani died. Thereafter, the petitioner made representation to the third respondent to register his second wife's name to receive family pension after his life time. Admittedly, when his first wife was very much alive, the petitioner got married another lady. The name of the first wife was entered in the service book as his nominee. Therefore, the second marriage itself is void and as such, the second wife is not entitled for any benefit after the life time of the petitioner.

4. As per the explanation under Rule 49(7)(C) of the Tamilnadu Pension Rules, 1978, on only two circumstances, the second wife is eligible for family pension. However, the case of the petitioner is not covered under both the conditions. The name of the second wife cannot be incorporated in the pension payment order, especially in the light of the Government letter No.80668/Pension/88-12 dated 29.06.1990, wherein it has been clarified that where there is a marriage subsisting, no person can legally solemnize another marriage and if a



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second marriage is effected either by registration or otherwise, that marriage is a nullity and such the second wife is not entitled to claim family pension. Therefore, this Court finds no infirmity or illegality in the order passed by the third respondent. As such, this writ petition is devoid of merits and liable to be dismissed.

5. Accordingly, this writ petition is dismissed. There shall be no order as to costs.

11.01.2024

Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
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To

- 1.Principal Secretary to Government,
Government of Tamilnadu,
School Education Department,
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- 2.The Director of Elementary Education,
Chennai 600 006
- 3.The Principal Accountant General,
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G.K.ILANTHIRAIYAN, J.

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