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W.P.No.18395 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2024

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.18395 of 2022 and
W.M.P.Nos.17741, 17748 & 17751 of 2022

V.Gowriammal

... Petitioner

Vs.

1. The Secretary to Government,
Transport Department,
Fort St., George, Chennai-600 009.
2. The Managing Director,
Tamilnadu State Transport Corporation Ltd.,
Erode Zone, Chennimalai Road,
Erode-1.
3. The General Manager,
Tamilnadu State Transport Corporation Ltd.,
Erode Zone, Chenniamalai Road,
Erode-I.
4. The Administrator,
Tamilnadu Transport Corporation Employer's
Welfare PF Trust, Pallavan Salai,
Thiruvallur House,
Chennai-600 002.

...Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records of the impugned order of the third respondent dated 29.03.2012 vide PF.2/TNSTC/F/PF/12 and to quash the same and consequently directing the third respondent to issue the family pension to the petitioner.

For petitioner	: No appearance
For respondent 1	: Mr.K.Tamilvendan, Government Advocate
For respondent 2 and 3	: Mr.T.Chandrasekaran, Special Government Pleader

ORDER

This writ petition has been filed challenging the order passed by the third respondent dated 29.03.2012 thereby rejected the request made by the petitioner seeking family pension.

2. Mr.Viswanathan while he was working as driver in the



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respondent corporation died on 26.11.2008. The petitioner is being a wife of the said Mr.Viswanathan claiming and applied for family pension.

3. On perusal of the records revealed that the said Mr.Viswanathan originally got married with one Suryakala. According to the petitioner, the said Suryakala and Mr.Viswanathan mutually agreed to get out of the marital relationship and they entered into dissolution of marriage deed into writing and the same was registered before the Erode Sub Registrar Office. Thereafter, the said Viswanathan got married the petitioner on 12.09.1989 and gave birth of children.

4. On perusal of the counter affidavit filed by the third respondent revealed that the said Viswanathan got married with one Suryakala and gave birth of one son and one daughter. When his first marriage was very much in existence, he got married the petitioner herein. Thereafter, the said Viswanathan got separated from his first wife by mutual agreement and the same was registered before the Erode Sub Registrar Office. Based on which his first wife name was deleted in the service register. In



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pursuant to the said circumstances, the petitioner was granted family pension. Thereafter, as per the legal opinion as well as the Government letter Ref.7219/D/2003-2 transport dated 26.06.2003 sanction of family pension has been stopped by an order dated 29.03.2012. It is also seen that the first wife of Mr.Viswanathan had sent a letter dated 15.06.2015 made objection for grant of family pension to the petitioner herein. Therefore, dispute between his first and second wife should be settled before a Civil Court by declaration of legally wedded wife. That apart, the petitioner challenging the order dated 29.03.2012 only in the year 2022 with huge delay of ten years.

5. However, the petitioner is at liberty to approach Civil Court for filing declaration, declaring that she is a legally wedded wife and if she succeeds, then the respondents are directed to consider the case of the petitioner for family pension in accordance with law.

6. Therefore, this Court cannot find any infirmity or illegality in the



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order passed by the third respondent dated 29.03.2012. Hence, this writ petition is devoid of merits and liable to be dismissed. Accordingly, this writ petition is dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

26.03.2024

Index : Yes / No

Speaking order /Non-speaking order

Neutral Citation : Yes/No

gvn

G.K.ILANTHIRAIYAN, J.

gvn

To

1. The Secretary to Government,

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Transport Department,
Fort St., George, Chennai-600 009.

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Erode-1.
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