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W.P.No.23648 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2024

CORAM:

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

W.P.No.23648 of 2022
W.M.P.No.22597 of 2022

Megala

...Petitioner

-Vs -

1. The Accountant General of Tamil Nadu,
Pension & Entitlement Department,
Teynampet, Chennai – 600 018.

2. The Internal Audit Officer,
Audit Branch,
TANGEDCO,
No.144, Anna Salai,
Chennai -600 002.

3. The Superintending Engineer,
Electricity Distribution Circle,
TNAGEDCO,
Perambalur.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the second respondent dated 31.12.2018 in Letter No.45887/869/F6/F61/BBO.No.70247/2018 and to quash the same and consequently direct the respondents 1, 2 & 3 to sanction the family pension in favour of the petitioner herein for death of her husband late Annadurai forthwith.



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For Petitioner : Mr.C.Prabakaran

For Respondents

For R2 & R3 : Mr.K.Purushothaman

ORDER

This writ petition has been filed the order passed by the third respondent dated 31.12.2018, thereby rejected the claim made by the petitioner for 100% pension.

2. The petitioner's husband late Annadurai initially got married with one Anjalai and gave birth to two children. Thereafter, the Anjalai died on 08.05.1993. Subsequently, the petitioner got married the said Annadurai and they gave birth one son. While, the said Annadurai was in service as Class-C Staff in the Tamil Nadu Electricity Board, died on 13.10.2004, leaving behind the petitioner, children born through first wife and the son born through the petitioner. The legal heir certificate was issued on the death of the said Annadurai. The son who was born through the first wife had been provided with the compassionate appointment. Further the son born through the first wife and the son born through the petitioner were paid family pension 50% each. Now the son born through the first wife had given no objections for payment of 100% pension in favour of the petitioner. The first respondent sent a



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communication dated 27.10.2013, thereby directed the petitioner to produce necessary documents so as to consider the claim of full pension to the petitioner. However, by the impugned order the third respondent rejected the request made by the petitioner for full family pension.

3. The learned counsel appearing for the petitioner submitted that the petitioner got married the said Annadurai only on the demise of the first wife. Therefore, the second marriage is valid in law. Her son Aruldoss also got married and as such she entitled for family pending. However, there is no record to show that the petitioner got married the said Annadurai after demise of his first wife viz., Anjalai.

4. Heard the learned counsel appearing on either side and perused the material placed before this Court.

5. Though the learned counsel appearing for the petitioner produced death certificate of the said Annadurai to show the details about the son born through the petitioner, failed to produce any document to show that the petitioner got married the said Annadurai after demise of his first wife and her son was born on 04.06.1994. That apart, admittedly



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the petitioner is the second wife and as such her minor son was provided with 50% of family pension and shared another 50% with the son born through the first wife. Therefore, the petitioner is being the second wife of the said Annadurai, her marriage itself is void and she is not entitled for any pension. This Court finds no infirmity or illegality in the order passed by the second respondent and the writ petition is devoid of merits and liable to be dismissed.

6. Accordingly, the Writ Petition stands dismissed. Consequently, connected miscellaneous petition is closed. There shall be no orders as to costs.

08.03.2024

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No

rts



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G.K.ILANTHIRAIYAN. J.

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