



W.P.No.25017 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P. No.25017 of 2021

B.Rangi

... Petitioner

Vs.

- 1 The Director
Municipal Administration,
Chennai 600 005.
- 2 The Zonal Director
Municipal Administration,
Kumarananthapuram,
JG Nagar, Tirupur.
3. The Commissioner
Sathyamangalam Municipality,
Sathyamangalam,
Erode District.
- 4 Rathina
- 5 Vennila
- 6 Meena

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 3rd respondent to release the



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pension benefits to the petitioner who is the legally wedded wife of the deceased employee Bannari and compassionate appointment to her elder son Palaniappan on the basis of the representation of the petitioner dated 03.08.2021 within a time frame to be fixed by this Court.

For Petitioner : Mr.K.A.Mariappan
For Respondents
For R1 and R2 : Mr.T.Chezhiyan,
Additional Government Pleader
For R3 : Mr.B.Anand
For R4 to R6 : Mr.S.Parthasarathy

ORDER

The petitioner who is the wife of the deceased employee Bannari, has filed this Writ Petition, seeking Family pension and compassionate appointment for her elder son by name Palanisamy.

2. Mr.K.A.Mariappan, learned counsel for the petitioner submitted that the Family Pension has not been sanctioned in view of the objection raised by the 4th respondent. He further submitted that the petitioner is the legally wedded wife of the deceased Bannari and two sons were born out of their wedlock. Due to some misunderstanding, the deceased Bannari abandoned the petitioner and her two sons and started living with the 4th



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respondent without getting divorce from her. The Respondents 5 and 6 were born through the 4th respondent. So it is claimed by the petitioner that the relationship of 4th respondent with the deceased Bannari is illegal and hence the Family Pension ought to have been granted to the petitioner and her elder son Palanisamy should be considered for compassionate appointment.

3. Mr.T.Chezhiyan, learned counsel for the Respondents 1 and 2 submitted that the deceased Bannari had married the 4th respondent during the life time of the petitioner who is his first wife. Since the 4th respondent is not a legally wedded wife of the deceased Bannari, she is not entitled to any terminal and pensionary benefits of the deceased.

4. Mr.S.Parthasarathy, learned counsel appearing for the respondents 4 to 6 submitted that the names of the Respondents 4 to 6 have been entered as legal heirs of the deceased Bannari in the Service Register. Hence, the Family pension has to be sanctioned to them.



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5. The fact that the deceased Bannari had married the petitioner even prior to the 4th respondent, came to light only after his death. Hence, the 4th Respondent cannot contend that she is the only person who is entitled to get pensionary benefits of the deceased. The 4th respondent who is aware of the existence of the first marriage of the deceased, ought not to have claimed pension.

6. Insofar as the compassionate appointment is concerned, there cannot be any dispute over the legitimacy of the petitioner's elder son Palanisamy, who claims compassionate appointment. However, the representation in this regard appears to have been given on 03.08.2021. When the petitioner and the 4th respondent are not in cordial terms, it is difficult for the petitioner to get no objection for compassionate appointment for her son.

7. Since the name of the petitioner as well as the 4th Respondent find place in the Service Register of the deceased Bannari, the Respondents 1 and 2 is directed to conduct an enquiry on the strength of the Succession



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Certificate / Legal Heirship Certificate, if any obtained by the parties and then take a decision. If the respondents 4 to 6 do not come forward and object for compassionate appointment being given to the petitioner's son, the same shall be executed, if he is otherwise eligible.

8. With the above direction, the Writ Petition is disposed of. No costs.

13.02.2024

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

To

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