



WEB COPY

W.P.No.26358 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2024

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THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.No.26358 of 2021 and
W.M.P.Nos.27831 & 27832 of 2021

Venkateshamma

... Petitioner

Vs.

- 1.The District Collector,
O/o. The District Collector Office,
Krishnagiri District.
- 2.The Block Development Officer,
O/o.the Block Development Office,
Thally Town, Krishnagiri District.
- 3.The Senior Accounts officer,
O/o.the Principal Accountant General,
(Accounts & Entitlements),
No.361, Anna Salai,
Teynampet, Chennai 600 018.
- 4.The Treasury Officer,
O/o.treasury office,
Krishnagiri District.
- 5.The Assistant Treasury Officer,
Denkanikottai Taluk,
Krishnagiri District.

6.Balagowramma

... Respondents



Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, to declare the act of the respondents 3 to 5 in making the payment of the family pension to the 6th respondent is illegal and consequently, direct the respondents 3 to 5 to pay the family pension to the petitioner.

For Petitioner : Mr.T.Elumalai
For Respondents : Mr.R.U.Dinesh Rajkumar,
AGP for R1 to R5
No representation for R6

ORDER

This Writ Petition is filed to declare the act of the respondents 3 to 5 in making the payment of the family pension to the 6th respondent is illegal and consequently, to direct the respondents 3 to 5 to pay the family pension to the petitioner.

2. Heard the learned counsel on either side and also perused the materials available on record.

3. The learned counsel for the petitioner submitted that the petitioner married the deceased employee and out of the wedlock, they had five children. Her husband retired on superannuation from the service on 30.09.2010 and due to his illness, he died on 24.06.2020. The petitioner has



obtained the Death Certificate and Legal Heirship Certificate of the deceased.

In the Legal Heirship Certificate, the petitioner and 7 others were shown as legal heirs of the deceased. But the name of the petitioner had not been included in the list of person eligible for family pension. Immediately, the petitioner gave a representation to the third respondent on 08.07.2020 for including the name of the petitioner in the list of person eligible for family pension. The said representation was also forwarded to the respondents 4 and 5. Thereafter, on 24.03.2021, the petitioner sent another representation to the third respondent stating that the disbursement of the family pension to the second wife, who is the 6th respondent has to be cancelled. By a reply letter dated 30.03.2021, the third respondent had directed the petitioner to contact the concerned Department. Thereafter, the petitioner gave another representation stating the same reason that she is the legally wedded wife. Since the representations were not considered till date, the petitioner has filed the present petition.

4. The learned Additional Government Pleader appearing for the respondents 1 to 5 submitted that the 6th respondent is the only person, who is entitled to receive the family pension of the deceased employee and in the Service Registrar, the name of the 6th respondent has been nominated for



receiving the family pension. He has also produced the authorisation record pertaining to pension of the deceased employee.

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5. On perusal of the records, it reveals that the sixth respondent is entitled to receive the family pension of the deceased employee which is evident from the authorisation pension record and hence, the petitioner is not entitled for the same. Considering this aspect, this Court finds that the claim of the petitioner is devoid of merits.

6. With the above observations, this Writ Petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

20.08.2024

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Index : Yes / No

Speaking order / Non-speaking order

To

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O/o.the Block Development Office,
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VIVEK KUMAR SINGH, J.



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