



WEB COPY



W.P.No.27261 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2024

CORAM

THE HON'BLE **MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P.No.27261 of 2022

Tmt.D.Mala

... Petitioner

Vs.

1. District Educational Officer,
Hosur,
Krishnagiri District.

2. Accountant General (Accounts & Entitlements)
of Tamil Nadu,
361, Anna Salai,
Chennai – 600 018.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorarified Mandamus to call for the entire records which culminated in Letter No. P.10/I/PT/10709/19-13303 passed by the second respondent and quash the same and consequent order passed by the first respondent in Oo.Mu.No.2191/A1/2021 dated 25.07.2022 direction directing the first respondent to sanctioned the family pension to the petitioner in the cadre superintendent from date of her husband death with all other monetary benefits.



W.P.No.27261 of 2022

For Petitioner : Mr.S.Mani
For R1 : Mrs.S.Mythreye Chandru
Special Government Pleader
For R2 : No Appearance

ORDER

According to the petitioner, she is the wife of deceased Mr.Raveendran, who was working as a Junior Assistant. The deceased Mr.Raveendran married the petitioner after getting divorce from his then spouse during the year 2014. In the year 2015, retired from service and expired in the year 2020. Therefore, the petitioner has made a proposal/claim to the respondents seeking for grant of family pension and the same was rejected by an Order dated 12.07.2022, which reads as under:-

“With reference to your letter cited, it is informed that as already intimated wide the office letter second cited, Smt.Mala is ineligible for family pension as her marriage took place after the birth of daughter kum.Krithika (17.02.2003) born before divorce of first wife on 05.04.2014 which is illegal. Proposal for family pension in respect of kum.Krithika, daughter of Smt.Mala may be forwarded for authority family pension with effect from 27.09.2020 till she attains 25 years of age or she gets marriage.”



W.P.No.27261 of 2022

2. Admittedly, the petitioner is a legally wedded wife. There is no express rule to reject the claim of family pension on the ground that the petitioner has begotten a child before her marriage. The Authority cannot himself reject the proposal/claim of the petitioner by concluding the petitioner's marriage as invalid on the ground that the petitioner gave birth to her child before their wedlock.

3. In view thereof, the Impugned order is quashed. Accordingly the writ petition stands allowed with the following directions:-

- i. The second respondent is directed to process the proposal of the petitioner and pass orders by granting family pension to the petitioner within a period of twelve (12) weeks from the date of receipt of a copy of this order;
- ii. On the sanction of the family pension, the arrears shall also be granted within a period of four (4) weeks thereof. If the same is done within the said period, the petitioner will not be entitled to any interest;



WEB COPY



W.P.No.27261 of 2022

D.BHARATHA CHAKRAVARTHY, J.

rgm

iii. If the arrears are paid beyond the said period as indicated above, same shall be paid with 6% rate of interest.

iv. No costs.

12.04.2024

Index : Yes/No
Speaking/Non-speaking Order
Neutral Citation :Yes/No
rgm

To

1. District Educational Officer,
Hosur,
Krishnagiri District.
2. Accountant General (Accounts & Entitlements)
of Tamil Nadu,
361, Anna Salai,
Chennai – 600 018.

W.P.No.27261 of 2022

12.04.2024