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Writ Petition No.28451 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.10.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.28451 of 2024

Lakshmi Devi
W/o.Late Rajagopal

... Petitioner

Vs.

1.The Accountant General,
Office of the Accountant General Office,
261, Anna Salai, Chennai - 18.

2.The Assistant Director,
Office of Animal Husbandry &
Dairying, Fisheries and Fishermen
Welfare Department,
Chidambaram.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the respondents to provide the petitioner with family pension of her deceased husband Rajagopal, Veterinary Inspector Grade I.

For Petitioner : Ms.R.Poornima

For Respondents : Mr.P.Balathandayutham,
Special Government Pleader



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ORDER

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This writ petition has been filed seeking issuance of a writ of mandamus directing the respondents to provide the petitioner with family pension.

2. Heard Ms.R.Poornima, learned counsel for petitioner and Mr.P.Balathandayutham, learned Special Government Pleader appearing for respondents.

3. The petitioner claims to be the wife of late Rajagopal. The said Rajagopal was working as Inspector Grade I at Tamil Nadu Veterinary Department. The petitioner claims to have married the said Rajagopal in the year 1996 and a girl child was also born to him in the year 1999. The said Rajagopal died in the year 2012. From then on, the petitioner was attempting to get the retirement benefits and also the family pension. This was opposed by the children of the first wife. Ultimately, the petitioner filed a suit in O.S.No.80 of 2014 to declare her and her daughter to be the legal heirs of the late Rajagopal. It was contested by the rival parties and ultimately, the suit came to be dismissed by judgment and decree dated 19.02.2016 passed by the District Munsif Court, Ulundurpet.



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4. The petitioner caught hold of a document wherein the husband of the petitioner had nominated her as the nominee and based on the same, the petitioner is seeking for family pension. Since the claim made by the petitioner was not considered, the present writ petition has been filed before this Court.

5. In the considered view of this Court, the petitioner has suffered a decree against her wherein the competent civil Court had held that the petitioner and her daughter are not the legal heirs of the deceased Rajagopal. Having suffered such a decree, as on today, the petitioner cannot legally claim to be the wife of the said Rajagopal. Even if the said Rajagopal had given nomination, ultimately the respondents must satisfy themselves that the petitioner is the legally wedded wife of the said Rajagopal. However, the respondents cannot undertake that exercise in the light of the judgment and decree passed by the civil Court.

6. In view of the above, the petitioner has to necessarily wait for the final verdict in the appeal that is pending before the competent Court. Based on the same, the petitioner can approach the respondents



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N.ANAND VENKATESH, J

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seeking for family pension. Except giving this clarity, no further orders can be passed in the writ petition.

This writ petition is disposed of in the above terms. No costs.

01.10.2024

Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order

gm

To

1.The Accountant General,
Office of the Accountant General Office,
261, Anna Salai, Chennai - 18.

2.The Assistant Director,
Office of Animal Husbandry &
Dairying, Fisheries and Fishermen
Welfare Department,
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