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W.P.No.5982 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2024

CORAM:

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

W.P.No.5982 of 2024

M.Saroja

... Petitioner

-Vs-

1. The Principal Accountant General,
Lekha Pariksha Bhavan,
No.361, Anna Salai,
Teynampet,
Chennai – 600018.

2. The Educational Officer No.III,
District Educational Office,
Tiruvannamalai.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to consider the petitioner as a nominee for the benefit of family pension in the representation 'FORM-A', to consider the petitioner for the benefit of lifetime arrears in the representation 'FORM-B' dated 09.03.2021, on merits and to pass necessary further orders within a time frame fixed by this Hon'ble Court.

For Petitioner : Mr.D.G.Hari Prasath

For R1 : Mrs.Hema Murali Krishnan
Standing Counsel

For R2 : Mrs.S.Mythreye Chandru
Special Government Pleader



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ORDER

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This writ petition has been filed for direction directing the respondents to consider the representation submitted by the petitioner seeking family pension on the demise of her husband.

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

3. The petitioner's husband C.Munusamy initially got married with one Lilly Bhai in the year 1986. While his first marriage was very much in existence, he also got married with the petitioner. Her husband was working as a Government School Teacher at the time of his marriage. His first wife name was nominated and registered in his service records. Thereafter, he retired from service as on 31.01.1996 as a Head Master of a Primary School situated at Kampattu in Thiruvannamalai District. During the year 2010, his first wife, the said Lilly Bhai died leaving behind three children. After retirement, the petitioner's husband was receiving pension. After a period of 25 years from the date of his retirement, he submitted a representation to nominate his second wife viz., the petitioner, as a nominee in the service records to receive family



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pension, if any. It was returned for want of documents. While being so, the petitioner's husband died on 25.06.2021. After his demise, the petitioner submitted all the documents. However, her request has not been considered so far. Hence, this writ petition.

4. Admittedly, the petitioner's husband married one Lilly Bhai as his wife and her name was nominated as nominee in the service records. During his service, he never whispered about the second marriage, since the second marriage itself is void and he might have lost his employment and it is an offence. After his retirement, the petitioner's husband did not choose to enter the petitioner's name as a nominee instead of his first wife. Further, even after the demise of his first wife in the year 2010, her husband did not choose to nominate the petitioner as a nominee to receive family pension. After a period of 11 years from the date of demise of his first wife, the petitioner's husband submitted a representation to nominate the petitioner's name as his nominee in his service register. Therefore, the petitioner is not at all entitled for any family pension, since she got married to the said C.Munusamy when his first marriage with the said Lilly Bhai was very much in existence. Therefore, the second marriage with the petitioner itself is void and as such, she is not entitled for any family pension.



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5. In view of the above, this writ petition is devoid of merits and is liable to be dismissed. Accordingly, this writ petition stands dismissed. There shall be no order as to costs.

07.03.2024

Internet: Yes

Index : Yes/No

Neutral Citation: Yes/No

Speaking/Non Speaking order
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To

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G.K.ILANTHIRAIYAN. J.

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