



CONT P(MD)No.367 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.04.2024

CORAM

THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

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Ganthi Antony

... Petitioner

vs.

- 1.Kannappan,
The Accountant General (Pension),
Office of the Accountant General,
No.361, Annasalai, Teynampettai,
Chennai-600 018.
- 2.Muthaiah,
The Chief Educational Officer,
Office of the Chief Educational Office,
Collectorate Building,
Tirunelveli District.
- 3.Arulanantham,
The District Educational Officer,
Office of the District Educational Office,
National Highway 40,
Tirunagar, Tirunelveli Town,
Tirunelveli District.



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4.Gurusamy,
The Assistant Additional Elementary
Educational Officer,
Office of the Assistant Additional
Elementary Educational Officer,
Kadayam, Tirunelveli District.

5.Jadco Varkees,
The Correspondent,
R.C. Elementary School,
Veikalipatti, Tirunelveli District.

... Contemnors

PRAYER: Petition filed under Section 11 of the Contempt of Court Act, 1971, to punish the respondent for willfully disobeying and not complying with the order of this Court, dated 06.06.2023, in W.P.(MD)No.25021 of 2019.

For Petitioner : Mr.S.Sathiyachidambaram

For Contemnor 1 : Mr.P.Gunasekaran

For Contemnors 2 and 3 : Mr.D.Sadiq Raja
Additional Government Pleader

ORDER

The contempt petition is filed alleging disobedience of the order passed by this Court in the writ petition wherein this Court directed the respondents to pay the pension which is payable to the petitioner's wife in P.P.O.No.T118657 by



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considering the petitioner's representation.

2. The said writ petition was contested by the respondent stating that the employee namely Susai Agnis declared herself as a spinster. But the writ petitioner had claimed that the employee Susai Agnis had married the petitioner. If the said fact is true, then after marriage the employee would have changed her marital status in the service records. But after marriage all these years the employee had not changed her marital status. Therefore, this Court directed the petitioner to submit the marriage certificate, other relevant records and evidences like marriage photos, invitation, etc. to substantiate the marriage. On submission of such evidence, this Court directed the official respondents to consider and pass orders. If the respondents are convinced with the evidence, the petitioner may be paid with the terminal benefits.

3. The petitioner alleges that the order passed by this Court in the writ petition is not complied with and vehemently submitted that even though there is no marriage photo, but a photo was submitted to the respondents. In spite of the



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same the respondents failed to consider the plea of the petitioner. However, the Learned Counsels appearing for the contemnors submitted that the petitioner submitted a photo and the photo clearly states that it is a photoshopped, moreover it is not photo taken during marriage. Further, the petitioner has not submitted any marriage invitation or marriage certificate.

4. The respondents produced the alleged photo submitted by the petitioner before this Court. On perusing the said photo, this Court is of the considered opinion that it cannot be considered as evidence to prove the marriage between the petitioner and the employee Susai Agnis. The photo produced by the petitioner is not a marriage photo. Further the said Susai Agnis image in the photo is blurred, whereas the petitioner's image is clear, which will clearly indicate that the petitioner had photoshopped the images. Therefore, this Court is of the considered opinion that the respondents are right in declining the said photo as evidence.

5. The petitioner has not produced any marriage certificate registered under



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the Registrar Office. But the petitioner has produced a certificate issued by a Church. On perusing the same, it is seen that as per the certificate, the marriage was conducted on 11.02.1976. The Learned Counsel appearing for the contemnors submitted that the deceased Susai Agnis had served as a Secondary Grade Teacher since 15.01.1962. If that is so, if the marriage was solemnized, then the said Susai Agnis would have recorded the same in her service register but the said Susai Agnis has declared herself as a spinster in the service register. Until her retirement she had not entered the petitioner's name as husband. In such circumstances, the certificate issued by the Church cannot be accepted.

6. The next contention of the petitioner is that they had filed a suit for declaration to declare the petitioner as legal heir and the same was allowed. But this was objected by the contemnors stating that when the said Susai Agnis was serving as Secondary Grade Teacher and this fact was known to the petitioner, the petitioner ought to have impleaded the appropriate educational authorities as defendants and then ought to have contested the said suit. But the petitioner had impleaded the District Collector in the said suit. The petitioner very well aware



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that the District Collector would not have any records to defend or oppose the plea of the petitioner. And aware that the educational authorities would have all records to state that the petitioner cannot be considered as legal heir, when the marriage was not declared by the employee Susai Agnis. Hence the petitioner had approached the Civil Court without clean hands. In such circumstances, the decree granted in the suit is not binding the respondents.

7. The learned Counsel appearing for the contemnors relied on the pension proposal submitted by the said Susai Agnis. In the pension proposal form, the petitioner has specifically mentioned, “I have no family members.” Also, in the letter, she has stated herself as unmarried and she has addressed herself as “Selvi” which indicates that she is not married. The contention of the petitioner is that the marriage was celebrated and subsequently, they were separated. If that is so, the deceased employee Susai Agnis would not have mentioned herself as “Selvi” but she would have mentioned herself as married but separated, deserted or divorced. Therefore, the claim of the petitioner cannot be accepted. There is no contempt as alleged.



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8. Hence, the contempt petition is closed. No costs.

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Internet : Yes

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To

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Tirunelveli District.
- 2.The District Educational Officer,
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