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W.A.(MD)NO.751 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.11.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MS.JUSTICE R. POORNIMA

W.A.(MD)No.751 of 2022

P.Mahadevan

... Appellant / Petitioner

Vs.

1. The Principal Accountant General
(Accounts and Entitlements),
No.361, Anna Salai, Chennai – 600 018.

2. The Principal Chief Conservator of Forests,
Panagal Maaligai, Jennis Road, Saidapet,
Chennai – 600 015.

3. The District Forest Officer,
Dindigul Division,
Dindigul.

... Respondents / Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, to allow this appeal, set aside the order dated 26.08.2019 in W.P.(MD) No.13665 of 2015 and grant the relief as sought for in the said writ petition.

For Appellant : Mr.M.Ravi

For R-2&R-3 : Mr.K.S.Selvaganesan,
Additional Government Pleader.

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J U D G M E N T**(Judgment of the Court was delivered by G.R.SWAMINATHAN, J.)**

Heard both sides.

2. The writ petitioner was working as Forest Guard. He retired on 31.08.2011 on attaining the age of superannuation. He originally got married to one Thilagamani. The said Thilagamani died on 22.07.2005. Even during the subsistence of the marriage, the petitioner had married one Chithra and was living with her as husband and wife. It is true that the marriage between the petitioner and Thilagamani was dissolved on 08.01.2004. Since the marriage with Chithra had taken place when the marriage with Thilagamani was in subsistence, the marriage between the petitioner and Chithra could not be recognised.

3. In order to overcome this lacuna, the petitioner remarried Chithra on 27.08.2013 and it was also formally registered with the Marriage Registrar on 23.01.2015.

4. The petitioner wants to enter the name of Chithra in the pension book so that she can get Family Pension after his demise. But



this request was not accepted by the first respondent. That led to the filing of W.P.(MD)No.13665 of 2015. The writ petition was dismissed vide order dated 26.08.2019. Challenging the same, this intra-court appeal has been filed.

5. We have to necessarily interfere with the order of the learned single Judge. This is because, the learned single Judge had gone only by the marriage that had taken place between the petitioner and Chithra on 22.08.1999. When the petitioner had once again married her on 27.08.2013, the subsequent marriage has to be taken note of. When marriage took place between the petitioner and Chithra on 27.08.2013, there was no legal bar. His first marriage with Thilagamani was already dissolved. In this view of the matter, the orders impugned in the writ petition as well as the writ appeal are set aside. This writ appeal is allowed as prayed for. No costs.

(G.R.SWAMINATHAN, J.) & (R. POORNIMA, J.)

27th November 2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN,J.

AND

R.POORNIMA, J.

PMU

To:

1. The Principal Accountant General
(Accounts and Entitlements),
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