



WP(MD) No.8285 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.04.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.8285 of 2024

M.Banu

.. Petitioner

Vs.

1. The Accountant General,
Accounts and Entitlements,
No. 361, Anna Salai,
Chennai 18.

2. The Director General of Police,
State of Tamil Nadu,
Dr. Radhakrishnan Salai,
Mylapore,
Chennai-4.

3. The Superintendent of Police,
Theni District,
Theni.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to include the petitioner's name in the pension account of her husband namely Late.



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S.Maheshwaran, Special Sub Inspector of Police and further to direct the 1st respondent to pay the monthly family pension to the petitioner by considering the representation of the petitioner dated 05.02.2024.

For Petitioner : Mr.D.Kirubakaran

For Respondents : Ms.S.Mahalakshmi, for R1

: Mr.M.Ramesh,
Government Advocate for R2 & R3

ORDER

The petitioner filed this writ petition seeking to direct the 1st respondent to include the petitioner's name in the pension account of her husband namely Late. S.Maheshwaran, Special Sub Inspector of Police and further to direct the 1st respondent to pay the monthly family pension to the petitioner by considering the representation of the petitioner dated 05.02.2024.

2. Heard Mr.D.Kirubakaran, learned counsel appearing for the petitioner, Ms.S.Mahalakshmi, learned counsel appearing for the first respondent and



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Mr.M.Ramesh, learned Government Advocate appearing for the respondents 2 &3.

3. By consent of both parties, this writ petition is taken up for final hearing at the admission stage itself.

4. The petitioner, who claims to be the wife of the deceased Maheshwaran, who was working as Special Sub Inspector of Police has filed this writ petition that she is entitled to get the family pension subsequent to his death.

5. Mr.M.Ramesh, learned Government Advocate appearing for the respondents 2 & 3 submitted that the petitioner is the second wife of the deceased and hence, the family pension was being disbursed to the daughter of the petitioner Abithasri. The said Abithasri has now become major and however, she is unmarried daughter and hence, the family pension is continued to be paid to the daughter of the petitioner.



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6. The petitioner claims that the petitioner's husband earlier married one Vasanthi on 09.04.1989 and a decree of divorce was passed by dissolving the marriage between Maheswaran and Vasanthi in HMOP.No.39/2005 on the file of the Sib Court, Uthamapalayam and thereafter the petitioner was married by Maheswaran and hence, her marriage is a lawful marriage and all these facts have to be considered by the third respondent and he has to make recommendation to the first respondent.

7. Further it is learnt that there is no counter claim made by the said Vasanthi, who was the first wife of Maheswaran and her marriage was subsequently dissolved by a decree of the Court. In that case, the third respondent shall consider the representation of the petitioner dated 05.02.2024 and make recommendation to the first respondent. On such recommendation, the first respondent is directed to consider and pass appropriate orders on merits within a period of four weeks from the date of receipt of a copy of this order.



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8. With the above direction, this writ petition is **disposed of**. No Costs.

01.04.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
PJJ

To

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R.N.MANJULA, J.

PJL

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