



W.P.(MD) No.9401 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.9401 of 2021

R.Mala

... Petitioner

-VS-

- 1.The Joint Director
Directorate of Pension
3rd Floor, Amma Campus
Vetrinary Hospital Campus
No.571, Anna Salai
Nandhanam, Chennai-600 035
- 2.The Accountant General
(Accounts & Entitlements) Tamil Nadu
No.361, Anna Salai
Chennai-600 018
- 3.The District Educational Officer
Cheranmahadevi
Tirunelveli District
- 4.The Head Master
Government Higher Secondary School
Thalapathy Samuthram
Nanguneri Taluk
Tirunelveli District
- 5.Subbulakshmi

... Respondents



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WEB C PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records pertaining to the impugned order *vide* Letter No.3934/2021/E5 dated 09.03.2021 passed by the first respondent and quash the same and consequently direct the respondents 1 to 3 to disburse the family pension to the petitioner along with arrears and consequent monthly family pension within the time frame to be fixed by this Court.

For Petitioner : Mr.A.Rajaram

For Respondents : Mr.T.Amjad Khan
Government Advocate for R1, R3 & R4
Mr.P.Gunasekaran for R2
Mr.L.Sivakumar for R5

ORDER

This writ petition has been filed by the second wife of the deceased employee P.Rajendran challenging the impugned order rejecting her request for family pension, on the ground that she is the second wife of the deceased employee.

2. It is not in dispute, as seen from the averments contained in the affidavit filed in support of this writ petition, that the legally wedded wife of



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the deceased employee P.Rajendran is the fifth respondent, namely, Subbulakshmi and the petitioner is only a second wife.

3. It is settled law, as per the decisions rendered by the Honourable Division Bench of this Court in the cases of ***R.Rajathi vs. The Superintendent Engineer and another*** in W.A.No.977 of 2017 dated 05.06.2018 and ***Vijayalakshmi vs. The Principal Accountant General (A&E), Tamil Nadu and another***, reported in ***2022-1-Writ L.R.630***, that the second wife of the deceased employee is not entitled to receive family pension. In view of the settled law, the contention raised by the petitioner in this writ petition does not deserve any merit and there is no infirmity in the impugned order passed by the first respondent.

4. In the result, there is no merit in this writ petition. Accordingly, this writ petition is dismissed. No costs.

04.09.2024

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

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ABDUL QUDDHOSE, J.

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