



W.P.(MD) No.10430 of 2021

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.02.2024

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THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.10430 of 2021

and

W.M.P.(MD) No.16908 of 2021

B.Vanajakumari

... Petitioner

Vs.

1.The Principal Secretary to Government,
Revenue Department,
Secretariat, Chennai-600 009.

2.The Principal Secretary and Commissioner of Revenue,
Administration, Ezhilagam,
Chepauk, Chennai-600 005.

3.The District Collector,
Tiruchirapalli District,
Tiruchirapalli.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus, to call for the records of the 3rd Respondent i.e., the District Collector, Tiruchirapalli in his impugned recommendation in Letter No.J1-27634-2020 dated 12.03.2021 and quash the



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same and consequently direct the 1st respondent i.e., the Principal Secretary to Government, Revenue Department, Chennai to include the name of the petitioner as nominee of her deceased husband Thiru B.V.Marimuthu and arrange to disburse the family pension to the petitioner as per the specific provisions contained in Tamil Nadu Pension Rule 49(7)(a)(i)(b) and (c) within a specified time that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.D.Sasikumar
Additional Government Pleader

ORDER

The petitioner herein, claiming to be the second wife of deceased B.V.Marimuthu, who retired from service as Regional Manager in the cadre of Deputy Collector in the Tamil Nadu Civil Supplies Corporation, Tiruchirapalli, approached this Court by filing the present writ petition aggrieved by Letter No.J1-27634-2020, dated 12.03.2021 issued by Respondent No.3 rejecting her claim for payment of family pension consequent on the death of the said B.V.Marimuthu.



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2. The case of the petitioner, as set out in the affidavit filed in support of the writ petition, is that she was married by the late B.V.Marimuthu on 11.06.1965, as his first wife was not having any children. The first wife of the deceased employee expired on 06.09.1997. Thereafter, the deceased employee made an application for entering the name of the petitioner herein as nominee in his Pension Records, who was already drawing pension by that time. While the same was pending for consideration, the employee passed away on 18.12.2018. Thereafter, the petitioner, claiming to be the second wife and widow of the deceased employee, made an application for payment of family pension in her favour.

3. As stated in the affidavit filed in support of the writ petition, the petitioner, who worked as Secondary Grade Teacher in the Aided Middle School, Dindigul, retired from service voluntarily on 31.01.2002 and is drawing pension under PPO No.C164129/EDA, dated 06.06.2002. The claim of the petitioner for payment of family pension on the death of the deceased employee viz., B.V.Marimuthu, who is claiming to be the husband of the



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petitioner, was negated on the ground that in terms of Rule 49(7) of the Tamil Nadu Pension Rules, 1978, the widow of a void marriage is not entitled for payment of family pension. The claim of the petitioner itself is basing upon a marriage that took place on 11.06.1965, by which time the deceased employee was already having a living wife. Thus, the claim of the petitioner herein is only basing upon her marriage with the deceased employee, which took place on 11.06.1965, which was admittedly during the life time of the first wife of the deceased employee. Therefore, the said marriage is undoubtedly a void marriage under the provisions of the Hindu Marriage Act, 1955.

4. Further, as contended by the learned Additional Government Pleader for the respondents, the claim of the second wife for payment of family pension was already considered by series of judgments of this Court including a Division Bench of this Court in ***R.Rajathi vs. The Superintendent Engineer, TANGEDCO Ltd.***, reported in ***2018-1-W.L.R.725*** and also in W.P.(MD) No.22457 of 2017, dated 09.03.2021.



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5. In the light of the settled legal position, this Court does not see any reason to find fault with the impugned order passed by Respondent No.3 rejecting the claim of the petitioner for payment of family pension.

6. In the light of the above, this Writ Petition is dismissed. No costs.

7. In view of the disposal of the writ petition, no orders are required to be passed in W.M.P.(MD) No.16908 of 2021 and the same is closed.

22.02.2024

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

ABR

To

1.The Principal Secretary to Government,
Revenue Department,
Secretariat, Chennai-600 009.



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MUMMINENI SUDHEER KUMAR, J.

ABR

- 2.The Principal Secretary and Commissioner of Revenue,
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- 3.The District Collector,
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Tiruchirapalli.

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