



WP(MD) No.15900 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18.07.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.15900 of 2024

Vijayalakshmi @ Lakshmi

... Petitioner

Vs.

- 1.The Officer-in-charge records,
Defence Security Corps,
PIN 901 277,
C/o.56, APO.
- 2.The Officer-in-charge Records,
Defence Security Corps Records,
Mill Road, Cannalore 670013, Kerala.
- 3.Raksha Suraksha Comps Akhilesh,
Defence Security Corps,
Mill Road, Cannanore 670 013,
Kerala State.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents herein to grant family pension to the petitioner herein in the light of the order dated 06.06.2018 passed in Succession OP No. 2/2017 on the file of Sub



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Court, Periyakulam and as per the order 23.01.2020 made in WP.NO. 34952/2019 on the file of the High Court of Madras.

For Petitioner : Mr.K.Appadurai

For Respondents : Mr.K.Govindarajan

Central Government Standing Counsel

ORDER

This writ petition has been filed to direct the respondents herein to grant family pension to the petitioner herein, in the light of the order dated 06.06.2018 passed in Succession OP No. 2/2017 on the file of Sub Court, Periyakulam and as per the order 23.01.2020 made in W.P.NO. 34952/2019 on the file of the Principal Seat of this Court.

2. Heard Mr.K.Appadurai, learned counsel appearing for the petitioner and Mr.K.Govindarajan, learned Central Government Standing Counsel appearing for the respondents.

3. The petitioner claims that she is the legally wedded wife of the deceased employee by name, Gopalsamy, who was working as Defence



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Corps in Indian Army. After completing 10 years of service, he retired on 07.09.1993.

4. The learned counsel appearing for the petitioner submitted that the petitioner had already married one Venkattammal and the marriage between Venkattammal and the deceased Gopalsamy was dissolved in view of certain misunderstanding between themselves. He has also submitted that the petitioner's marriage was taken place on 08.11.1972, subsequent to the dissolution of the marriage between Venkattammal and the deceased Gopalsamy and therefore, the marriage between the petitioner and the deceased Gopalsamy is a lawful marriage. Further, the first wife of the deceased Gopalsamy did not raise any dispute during her lifetime. Since the family pension has not been given to her, she has filed this writ petition.

5. According to the respondents, the first wife of the deceased Gopalsamy died in the year 2013 and the legality of the marriage between the petitioner and the deceased is in dispute. Hence, the impugned order was passed by the respondents.



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6. It is seen from the records that the petitioner has been given with communication dated 24.03.2020, wherein it is stated that the petitioner has not proved that her marriage with the deceased Gopalsamy was held only after dissolution of the marriage between the deceased Gopalsamy and Venkattammal. There is also no proof that the petitioner is the legally wedded wife of the deceased Gopalsamy.

7. On perusal of the records, it is clear that the marriage between the petitioner and the deceased is a mere marriage and hence it is for the petitioner to declare the status as she is the legally wedded wife of the deceased Gopalsamy by filing civil litigation and get such declaration and thereafter, she can file her application to the respondents seeking family pension.

8. With the above observations, this writ petition is disposed of.

No costs.

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Index : Yes / No
NCC : Yes / No



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- To
- 1.The Additional Chief Secretary to Government of Tamilnadu,
Transport Department,
Secretariat, Chennai - 09.
 - 2.The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Rep by its Managing Director,
Kumbakonam.
 - 3.The General Manager,
The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Trichy Region, Trichy.
 - 4.The Administrator,
The Tamil Nadu Transport Corporation,
Employees Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai – 02.



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R.N.MANJULA, J.

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Order made in
W.P.(MD)No.15900 of 2024

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