



W.P.(MD) No.13889 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD) No.13889 of 2022

S.Renganathan

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Petitioner

-vs-

1.The Branch Officer,
Office of the Principal Accountant General (A&E),
361, Anna Salai,
Chennai -600 018.

2.The Block Educational Officer,
Block Educational Office,
Theni & Theni District.

3.The Additional Assistant Elementary Education Officer,
Additional Assistant Elementary Education Office,
Aundipatti – 625 512,
Theni District.

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Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of certiorarified mandamus to call for the records of the first respondent in his proceedings in P16/1/11628825/ADK/777, dated 15.03.2022, and quash the same and consequently direct the first respondent to carry out the name of the second wife of the petitioner, namely,



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WEB COPY R.Jeyalakshmi, in the service book for pensionary benefits and sanction family pension to her.

For Petitioner : Mr.M.Karuppasamy Pandiyan

For Respondent 1 : Mrs.S.Mahalakshmi

For Respondents 2 & 3 : Mr.J.Ashok,
Addl. Govt. Pleader.

ORDER

The instant Writ Petition has been filed by a retired Headmaster of a Panchayat Union Middle School, challenging the order passed by the first respondent herein on 15.03.2022, rejecting the request of the petitioner for entering the name of his second wife in the Service Book for the purpose of family pension.

2. From the affidavit, it could be seen that the petitioner had divorced his first wife on 07.03.2005 and, even before that, he had got married with one R.Jeyalakshmi on 11.12.2002 and had registered the same on 17.12.2008.

3. In view of the above said dates, it is clear that the petitioner had got married to the said Jeyalakshmi, while his marital status with the first



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wife was subsisting. In such an event, the question of incorporating the name of the second wife in the Service Book for the purpose of family pension does not arise.

4. A Division Bench of this Court in its judgment in *R.Rajathi v. The Superintending Engineer, TANGEDCO Ltd., Nagapattinam District and Another*, reported in 2018 (1) Writ Law Reporter 725, has categorically held that when the second wife claims family pension, the marriage should have been valid under the Personal Law, applicable to the parties, otherwise, the second wife would not be eligible for family pension.

5. In view of the above said legal position, there are no merits in this Writ Petition, which stands dismissed. No costs.

08.08.2024

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

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R.VIJAYAKUMAR, J.

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