



W.P.(MD)No.16871 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 07.08.2024

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.16871 of 2022

M.Maheswari

... Petitioner

VS

1.The Assistant Regional Engineer,
State Highways(Construction and Maintenance),
Kodaikanal,
Dindigul District.

2.Danam @ Danalakshmi
(R2 is impleaded vide Court order dated
12.08.2022 in WMP(MD)No.13389 of 2022
in WP(MD)No.16871 of 2022)

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondent to disburse the Family Pension based on the Communication dated 30.07.2020 in Ku.No. 618/2020/A2 forwarded by the Regional Engineer, (Highways), Dindigul within a period that may be stipulated by this Court.

For Petitioner : Mr.N.Mohan

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader for R1
Mr.I.Sam Jegan for R2

* * * * *



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ORDER

The instant writ petition has been filed seeking a mandamus directing the respondent to disburse the Family Pension due to the death of her husband namely V.Mani.

2.From the perusal of the affidavit of the petitioner as well as the counter, it could be seen that the deceased V.Mani was working as a Gang Mazdoor in the respondent/department and after retirement, he had passed away on 29.01.2018. The writ petitioner claims herself to be the second wife, while the second respondent claims to be first wife.

3.The counter has been filed by the first respondent clearly indicates that in the Service Register and in the pension payment order, the name of the second respondent and her son are stated to be nominees. Therefore, the marital status of the writ petitioner is in dispute. In such an event, a mandamus cannot be issued directing the authorities to disburse the Family Pension in favour of the writ petitioner. It is open to the writ petitioner to approach the competent civil Court to establish her marital status.



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4. With the above observations, this writ petition stands disposed of.

No costs.

07.08.2024

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

To

The Assistant Regional Engineer,
State Highways(Construction and Maintenance),
Kodaikanal,
Dindigul District.



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R.VIJAYAKUMAR, J.

RJR

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