



W.P.(MD)No.17428 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.08.2024

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.17428 of 2017

V.Amirtham

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary to Home Department,
Fort St.George,
Secretariat,
Chennai-9.

2.The Superintendent of Police,
(Rural),
Madurai District,
Madurai.

3.The Accountant General (Pension),
Office of the Accountant General,
(Accounts and Entitlements),
Tamil Nadu,
Teynampet, Chennai-600 018.

4.The District Treasury Officer,
Madurai District,
Collectorate Campus,
Madurai-20.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for
issuance of Writ of Certiorarified Mandamus, calling for the entire records



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relating to the impugned letter passed by the third respondent dated 30.08.2017 issued in AG(A&E)/Legal Cell / W.P.(MD).No.6435/2017-18 and to quash the same and consequently direct the respondents herein to pay and disburse the full family pension (100%) to the petitioner with entire arrears within a stipulated time to the petitioner with entire arrears within a stipulated time fixed by this Court.

For Petitioner : Mr.Thangapandian
for Mr.A.Saravanan

For R-1, R-2
& R-4 : Mr.G.Suriya Ananth,
Additional Government Pleader

For R-3 : Mr.P.Gunasekaran

ORDER

Heard Mr.Thangapandian, learned counsel appearing for the petitioner, Mr.G.Suriya Ananth, learned Additional Government Pleader appearing for respondent Nos.1, 2 and 4 and Mr.P.Gunasekaran, learned Standing Counsel appearing for the third respondent.

2. The petitioner has challenged the impugned order of the third respondent rejecting the petitioner's request for payment of 100% family pension.



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3. The petitioner is the second wife of the deceased employee. Earlier, the first and second wife of the deceased employee had got 50% family pension each. On 22.11.2006, the first wife of the deceased employee died, hence, the petitioner, who is the second wife, has submitted a representation before the respondents seeking for 100% family pension and the same has been rejected under the impugned order. The law is well settled now as laid down by the Judgment of the Division Bench of this Court in the case of ***R.Rajathi Vs. The Superintendent Engineer, TANGEDCO Limited, Nagapattinam Circle, Nagapattinam District and another*** reported in ***2018-1-Writ L.R. 725*** that the second wife of a Hindu whose marriage was contracted during the subsistence of the first marriage is not entitled to family pension. The said decision has also been followed in various other decisions of this Court. Though the issue may have been referred to a Larger Bench of another learned Single Judge of this Court, this Court is of the considered view that, as on date, the Division Bench judgment of this Court referred to supra reported in ***2018-1-Writ L.R.725*** is binding on the petitioner, as admittedly, she is the second wife of the deceased employee and therefore, she is not entitled to receive 100% family pension.



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4. For the foregoing reasons, there is no merit in this Writ Petition and accordingly, the same stands dismissed. No costs.

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NCC:yes/no
Index:yes/no
Internet:yes/no
TSG

To

- 1.The Secretary to Home Department,
the State of Tamil Nadu,
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Secretariat,
Chennai-9.
- 2.The Superintendent of Police,
(Rural),
Madurai District,
Madurai.
- 3.The Accountant General (Pension),
Office of the Accountant General,
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ABDUL QUDDHOSE, J.

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