



W.P.(MD).No.28528 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.28528 of 2023
and WMP(MD)Nos.24595, 24597 of 2023

Gnanambal

... Petitioner

Vs

1. The Accountant General (Accounts and Entitlements),
Anna Salai, Chennai – 600 018.
2. The District Collector,
Thanjavur District, Thanjavur.
3. The Block Development Officer,
Tiruvonam, Thanjavur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order of the 3rd Respondent in Na.Ka.No. 0552/2023/A1, dated 02.06.2023 and quash the same and further direct the 2nd Respondent to disburse the family pension to the petitioner payable on the death of the petitioner's husband namely Ramasamy with effect from 17.08.2013 (i.e. the day following the date of death of Ramasamy) with interest.



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For Petitioner : Mr.R.Maheswaran

For Respondents : Mr.R.Sureshkumar (R2,R3)
Additional Government Pleader

Ms.S.Mahalakshmi (R1)

ORDER

The present writ petition has been filed challenging the impugned order of the 3rd Respondent in Na.Ka.No.0552/2023/A1, dated 02.06.2023 and direct the 2nd Respondent to disburse the family pension to the petitioner payable on the death of the petitioner's husband namely Ramasamy with effect from 17.08.2013 along with interest.

2.Heard, the learned counsel appearing for the petitioner, the learned Standing Counsel appearing for the first respondent and the learned Additional Government Pleader appearing for the respondents 1 and 2. Perused the materials on record.

3.(i).The petitioner's husband viz., Ramasamy worked as Block Development Officer in Thiruvonam Panchayat. On attaining the age of superannuation, he retired on 30.06.1997. The petitioner's husband passed away on 17.08.2013.



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(ii).The petitioner married the said Late Ramasamy in the year 1960 and they are blessed with three children. During his life time, he had an affair with one Vetriselvi and they did not have any issues. However, the said Vetriselvi predeceased her husband on 02.04.2005.

(iii).After the death of her husband, the petitioner approached the respondents seeking family pension and the same was not considered. Hence, she made a representation to the first respondent during the year 2019 and the same was also not considered. Again she made another representation to the first respondent on 22.02.2023 along with the legal heir certificate, Death Certificate of Late Ramasamy and Death Certificate of Late Vetriselvi. The first respondent, in turn, relegated her representation to the third respondent vide his proceedings, dated 12.05.2023 with the observation that one Vetriselvi's name was marked as wife in the Late Ramasamy's Service Register therefore, only after verifying the Marriage Certificate and order of Civil Court, the family pension should be disbursed. Though the petitioner has annexed all the relevant documents ie., legal heir certificate, Death Certificate of Late Ramasamy and Death Certificate of Late Vetriselvi, the third respondent has passed the impugned order, dated 02.06.2023 stating that the petitioner shall produce the original legal heir certificate, original Death Certificate of Late



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Ramasamy and original Death Certificate of Late Vetriselvi. Challenging the same, this writ petition came to be filed.

4.The learned counsel for the petitioner submitted that even before filing of writ petition, the petitioner has duly submitted the original certificates ie., legal heir certificate, Death Certificate of Late Ramasamy and Death Certificate of Late Vetriselvi to the third respondent. Even thereafter, the third respondent ought not to have rejected the petitioner's application.

5.The learned Standing Counsel appearing for the first respondent on instructions submitted that in the entire service record of Late Ramasamy the name of Vetriselvi is shown as his wife, whereas, the name of petitioner is not found anywhere in his Service Register. In view of the same, unless and until the factum as to whether the petitioner is the first wife or the second wife of Late Ramasamy is established, they can not take a final decision in this issue.

6.The learned Additional Government Pleader appearing for the respondents 2 & 3 submitted that the petitioner has made an application seeking family pension, only after a period of 10 years from the date of her husband's



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death. That apart, on calculating the age of petitioner and her husband, it can be understood that the petitioner would have been only 13 years at the time of the alleged date of birth of her first child. More over, the said Ramasamy never nominated the name of petitioner for family pension and he had nominated Late.Vetriselvi, as his wife. Hence, the competent Civil Court can only decide the issue as to whether the petitioner is the first wife or second wife of Late Ramasamy. On that basis, he prayed to dismiss the writ petition.

7.However, considering the fact that the other wife ie., Vetriselvi predeceased the said Ramasamy, the petitioner will not have any scope to file a case before the competent Civil Court without a proper respondent.

8.In view of the above facts, I hereby quash the impugned order passed by the third respondent, dated 02.06.2023 and remit the matter back to the third respondent. The third respondent is directed to conduct an elaborative enquiry with all the stakeholders and tracing out the legal status of the petitioner and her legal relationship with the Late Ramasamy and if found, she had been his wife, forward the proposal seeking family pension to the first



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respondent. The entire exercise should be completed within a period of twelve (12) weeks from the date of receipt of copy of this order.

9. With the above directions, this writ petition stands allowed.

There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

11.03.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

To

1. The Accountant General (Accounts and Entitlements),
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2. The District Collector,
Thanjavur District, Thanjavur.
3. The Block Development Officer,
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L.VICTORIA GOWRI, J.

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