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W.P.No.2602 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2025

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.2602 of 2025

S.Devaki

... Petitioner

Vs

1. The Accountant General,
Office of the Principal Accountant General,
(Accounts & Entitlements), Tamil Nadu,
No. 361, Anna Salai,
Chennai - 600 018.
2. The Assistant Treasury Officer,
Office of Sub Treasury,
Vandavasi,
Tiruvannamalai District.
3. The Assistant Elementary Education Officer,
Vandavasi,
Tiruvannamalai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents herein to disburse the family pension to the petitioner's husband Mr. Sundararajan T.V. to the petitioner based on the petitioner's representation dated 06.12.2024 within a time stipulated by this Court.



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For Petitioner : Mr.L.Ramanathan

For Respondents : Ms. J.Sreevidya, Standing Counsel
(for R1)

Mrs. S.Mythreye Chandru,
Special Government Pleader (Edu.)
(for R2 & R3)

ORDER

By consent of learned counsel on either side, this writ petition is taken up for final disposal at the stage of admission itself.

2. This petition is filed seeking to issue a Writ of Mandamus directing the respondents herein to disburse the family pension of the petitioner's husband, viz., Sundararajan T.V. to the petitioner based on the petitioner's representation dated 06.12.2024 within a time stipulated by this Court.

3. The case of the petitioner is that the husband of the petitioner, viz., Sundararajan T.V. has retired from service as Selection Grade Teacher in Ulundhai Government Primary School, Tiruvannamalai.



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Thereafter, he was receiving pension from the respondent. Subsequently, he passed away on 24.08.2013 due to ill-health. After the demise of the said Sundararajan T.V., the petitioner approached the respondents several times with regard to disbursement of family pension, but the respondents refused to sanction the family pension to her. Thereafter, to the shock and surprise of the petitioner, she came to know that her husband has added the name of one Jayalakshmi as nominee and that was the reasons for not sanctioning the family pension to her. When the petitioner came to know about the same, she made her objections for the same. Further, the petitioner is a legally wedded wife as per the legal heir certificate. Therefore, she is legally entitled for receiving family pension of her husband. As per the Tamil Nadu Pension Rules, 1978, only if the second wife is married after the death or divorce of the first wife, the second wife will be eligible for receiving family pension. Therefore, the said Jayalakshmi is not eligible to get family pension of her husband. Hence, for the past 12 years, i.e., from the death of her husband, the petitioner repeatedly approached the respondents, but still the respondents refused to sanction the family pension to her despite producing the legal heir certificate.



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4. The learned counsel for the petitioner submitted that it would be suffice, if this Court issues a direction to the respondents to consider petitioner's representation and pass orders.

5. The learned standing counsel for the first respondent would submit that already family pension is being paid to the said Jayalakshmi on the ground that the husband of the petitioner has mentioned her as his nominee.

6. Considering the facts and circumstances of the case and the limited relief sought for by the petitioner, this Court, without expressing any opinion on the merits of the case, directs the respondents to consider the petitioner's representation dated 06.12.2024 after conducting an enquiry and finding out who is the real wedded wife of the said Sundararajan T.V. by verifying necessary documents from the parties and affording reasonable opportunity of hearing to the petitioner and other persons concerned and pass orders on merits and in accordance with law within a period of sixteen weeks from the date of receipt of a copy of this



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order. The petitioner is directed to co-operate with the respondents and produce all the available documents to establish her case.

7. With the above observations this writ petition stands disposed of. No order as to costs.

28.01.2025

Index: Yes/No

Speaking order/Non-speaking order
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To

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(Accounts & Entitlements), Tamil Nadu,
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V.BHAVANI SUBBAROYAN,J.

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