



WEB COPY

WP No. 21453 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-07-2025

CORAM

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

WP No. 21453 of 2025

C.Unnamalai

Petitioner(s)

Vs

1. The Principal Accountant General Of Tamil Nadu
Teynampet, Chennai 600 018

2.The Head Master

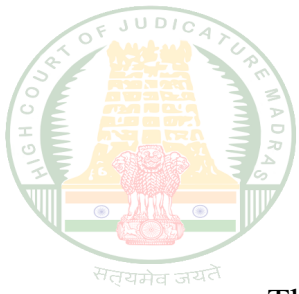
G.T.R. High School, S. Thathampatti,
Harur Taluk, Dharmapuri District

Respondent(s)

PRAYER : This writ petition has been filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the 1st respondent herein to consider the petitioner's Application in form -14 dated 22.10.2021 for payment of Full Family pension (100 %) consequent on the death of her husband M.Chezhiyan and consequent on the death of his 1st wife C. Velankkanni and consequent on attaining of 25 years of age of C.Sevvanthi, the daughter of the petitioner on 14.05.2022 and grant the same from that date with interest for the delayed payment in accordance with law.

For Petitioner(s): R.Thamaraiselvan

For Respondent(s): Mr. P. Manorajan,
Standing Counsel , For R1.

**ORDER**

The instant writ petition has been filed for directing the first respondent to consider the petitioner's application in Form-14 dated 22.10.2021.

2. The learned counsel for the petitioner would submit that the petitioner is the 2nd wife of the deceased employee, Late Chezhiyan, and after his demise, his first wife and children were receiving the family pension amount. Now that all the children have attained the age of 25 years and therefore, not eligible to get the family pension, whereas the petitioner, being the second wife of the deceased, is entitled to have a pension. In this regard, the learned counsel relied upon a judgment of this Court in W.P.No.34952 of 2019 dated 23.01.2020, and claiming the said amount, she has sent a representation to the respondent on 22.10.2021, which is still pending with the first respondent.

3. The learned counsel for the first respondent vehemently contends that the petitioner is not the legally wedded wife, as the marriage took place during the subsistence of the first marriage. Therefore, she cannot be construed as a legal heir of the deceased employee and hence, prayed to dismiss the writ petition.

4. I have considered the matter in the light of the submissions made by



the learned counsel on both sides and perused the materials available on records carefully.

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5. While looking at the facts of this case, it is clear that there is a disputed questions of fact between the petitioner and the respondent. The fact remains that the petitioner's representation dated 19.11.2022 is yet to be considered by the respondent.

6. In such view of the matter, without going into the merits, this Court deems to appropriate to direct the respondent to consider the representation of petitioner dated 19.11.2022 and pass orders on its own merits and in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7. With the above directions, this writ petition is disposed of. No costs.

01-07-2025

mrp

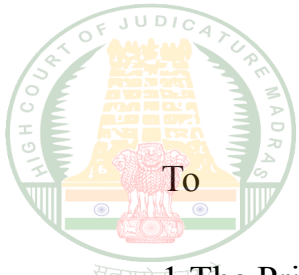
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

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Tamil Nadu

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