



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-06-2025

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THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

WP No. 15941 of 2025

1. D.Regina

W/o. Duraisamy Late, No. 116

Shasthiri Nagar, Gandhipuram

Coimbatore 641 012.

Petitioner(s)

Vs

1. The General Manager

Tamilnadu State Transport

Corporation Coimbatore Division,

Coimbatore

2.The Pension Pay Officer,

Coimbatore.

(R2-suo Motu Impleaded As Per Order

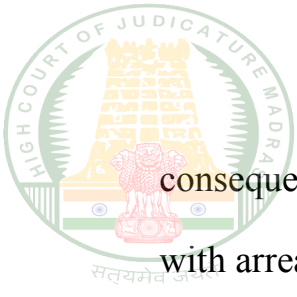
Dated 30.04.2025 In Wp.15941/2025

By Cvkj)

Respondent(s)

PRAYER

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, calling for records pertaining to the proceedings issued by the respondent in 2555/VI.NI 5/TA.APOKA/KOVAI/2025 dated 26.02.2025 and quash the same and



consequently direct the respondent to pay family pension to the petitioner with arrears within a time frame fixed by this Honourable Court.

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For Petitioner(s): M/s. K.C.Karl Marx

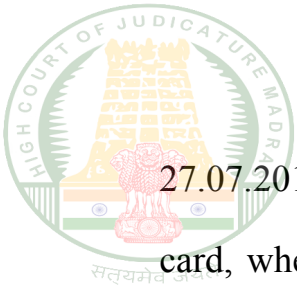
For Respondent(s): Mr. Gowthama Raj Standing
Counsel For R1
R2-No Appearance

ORDER

This Writ petition has been filed to calling for records pertaining to the proceedings issued by the respondent in 2555/VI.NI 5/TA.APOKA/KOVAI/2025 dated 26.02.2025 and quash the same and consequently direct the respondent to pay family pension to the petitioner with arrears within a time frame.

2. Heard Mr.K.C.Karl Marx, learned counsel for the petitioner and Mr.Gowthamaraj, learned Standing Counsel for the first respondent.

3. The learned counsel for the petitioner would submit that on the basis of the request of the petitioner, the impugned order dated 26.02.2025 was passed rejecting the petitioner's request to grant family pension. The reason for rejection of the petitioner's request is that her name did not find a place in the service records of one Mr.P.Duraisamy (late). The learned counsel for the petitioner would further submit that the petitioner married one Mr.P.Duraisamy as a second wife, even prior to her marriage, his first wife Mrs.Nirmala died on



27.07.2017. The factum of marriage would easily establish from the family card, where the petitioner's name find a place. The petitioner was referred as mother of the daughters through his first wife in the marriage certificate dated 17.07.2017. Therefore, it is the submission of the petitioner that the rejection of Family Pension simply because of her name does not find a place in Service Records is in contravention to the settled legal principles.

4. The learned Standing counsel would submit that the petitioner is only a second wife and she being the second wife, she is not entitled for the Family Pension.

5. I have given my anxious consideration to either side submissions.

6. It is an admitted fact that the petitioner is the second wife of Mr.P.Duraisamy (late). Now the point to be considered is, whether the second wife is entitled for Family Pension? It is well settled principle of law that if the employee is married after the demise of his first wife, she becomes legally entitled to get all the retirement benefits. As on the date of the marriage between the petitioner and her husband, his first wife died. Apart from that, the factum of this petitioner's marriage is further vindicated through the Family Card, wherein the petitioner's name is mentioned, and that she was referred as mother of her step daughters in their marriage certificate.



7. In view of the above proclivity of the factual position, this Court is of the firm view that the petitioner is legally wedded wife of Mr.P.Duraisamy and as such, she is entitled for Family Pension.

8. In such view of the matter, the writ petition stands allowed and the impugned order dated 26.02.2025 is hereby quashed. The respondent is directed to pay the current as well as the past Family Pension to the petitioner, within a period of eight(8) weeks from the date of receipt of a copy of this order. No costs.

23-06-2025

kmi

Index: Yes/No

Speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1.The General Manager
Tamilnadu State Transport
Corporation Coimbatore Division,
Coimbatore

2.The Pension Pay Officer,
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C.KUMARAPPAN J.

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