



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-11-2025

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

CONT P No. 3028 of 2025

AND

WMP NO. 46634 OF 2025

in

WP NO. 24104 OF 2024

1. V.Usharani
D/o.(Late) K.Vishwanathan,
D.No.88-102-A, Coolie Line,
Mettur Dam-636 401.
Salem District.

Petitioner(s)

Vs

1. K.Dharani
The Superintending Engineer
TANGEDCO, Mettur Workshop
Circle, Mettur Dam-636 401,
Salem District.

Contemnor(s)

WMP No. 46634 of 2025

1. V.Usharani
D/o.(late) K.Vishwanathan,
D.No.88-102-a, Coolie Line,
Mettur Dam-636 401, Salem
District.

Petitioner(s)

Vs

1. The Superintending Engineer
Tangedco, Mettur Workshop



Circle, Mettur Dam-636 401,
Salem District.

Respondent(s)

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PRAYER

To punish the respondent for the willful disobedience of the orders of this Hon'ble Court passed in W.P.No.24104 of 2024 dated 23.09.2024 under the provisions of Contempt of Courts Act.

WMP No. 46634 of 2025

PRAYER

To modify the order passed in WP.No. 24104 of 2014 dated 23.09.2024 as to direct the respondent to accept the deserted Woman Certificate in TN-2720220826134 dated 19.09.2023 issued by the Thasildar, Mettur as a proof of Thaangal Kanavaraal Kaividapattavar (DIVORCED) Enbadharkaana Neethimandra Vivaagarathu Aanai Nagal Anuppa Pada Vendum and pass orders.

For Petitioner(s): Mr.M.Doraisamy
for
M/s.V.ELANGO VAN,
M.P.Vairakannan,
K.A.Prabakaran

For Contemnor(s): Mr.C.Ramkumar
Standing Counsel

COMMON ORDER

The contempt petition was filed on the ground that the order passed by this Court in WP No.24104 of 2024 dated 23.09.2024 was not complied with.



2. On 17.10.2025, this Court passed the following order in the contempt petition:-

When the matter was taken up for hearing today, the proceedings of the respondent dated 29.10.2024 was placed before this Court. It is seen that the respondent is insisting for a decree of divorce from the petitioner and whereas the claim of the petitioner is that she has been deserted by her husband 17 years back.

2. On carefully going through the order passed in the writ petition on 23.09.2024, it is seen that the Court had directed the petitioner to submit five documents out of which one of the document is the order passed by the Court granting divorce. However what was able to be submitted by the petitioner was only the desertion certificate given by the Tahsildar. Hence that condition has to be modified by this Court and unless that is done, the respondent cannot act upon the order.

3. When the above was pointed out to the learned counsel for the petitioner, the learned counsel sought for sometime to file a modification petition.



4. Post this contempt petition on 3.11.2025.

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3. Pursuant to the above order, the modification petition has been filed by the petitioner to direct the respondent to accept the deserted women certificate dated 19.09.2023 by the Tahsildar, Mettur.

4. The learned Standing counsel appearing on behalf of the TANGEDCO submitted that the documents have been sought for from the petitioner based on the Board proceedings No.51 dated 06.09.2012 issued by the TANGEDCO. One such document that is insisted is as follows :-

3. தாங்கள் கணவரால் கைவிடப்பட்டவர் (Divorced)

என்பதற்கான நீதிமன்ற விவலகரத்து ஆணை நகல் அனுப்பப்பட

வேண்டும்.

5. The learned Standing counsel submitted that the petitioner cannot submit a deserted women certificate in lieu of the above document that is insisted by the Board proceedings. Therefore, it was contended that the petitioner can always obtain a decree and



submit the same along with the other documents and the same will be considered for granting family pension.

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6. The only issue that requires consideration of this Court is regarding the fulfillment of the above requirement under the Board proceedings.

7. In the case in hand, the petitioner's father one K.Viswanathan was working in the Electricity Department and he retired on 30.06.1992. He was paid pension during his life time. The petitioner was appointed as a nominee. The petitioner's father died on 11.12.2020 and the petitioner's mother predeceased the father on 28.07.2019.

8. The petitioner married one Vadivelu on 11.03.1987 and he has deserted the petitioner 17 years back and he never returned back and whereabouts are not known. Under such circumstances, the petitioner is taking care of her daughter and her aged parents. The only source of income for the family was the pension that was received by the petitioner's father. The certificate that has been issued by the Tahsildar, Mettur taluk, on 19.09.2023 shows that the enquiry was conducted and it was ascertained that the petitioner was



deserted by her husband 17 years back and his whereabouts are not known and the petitioner remains unmarried.

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9. The object behind granting family pension is to tide over the situation where the pension is the only source of income for the family and unfortunately, the pensioner dies leaving the other family members in lurch. Normally the family pension automatically goes to the wife. However, the petitioner has lost her mother. The petitioner is seeking for the family pension on the ground that she has been deserted by her husband. Such desertion can be substantiated either by obtaining a decree from a competent Court seeking for the dissolution of the marriage based on the ground of desertion or desertion certificate can be issued by the Tahsildar, who is competent to issue such a certificate. The effect of both the scenarios is the same. Either the Court declares the dissolution of marriage on the ground of desertion or the Tahsildar enquires and finds that the wife has been deserted for a very long time, the fact remains that the women continues to be a deserted women.

10. It is nobody's case that the Tahsildar is not competent to issue such a desertion certificate. Therefore, there cannot be a bar to accept such a desertion certificate issued by the Tahsildar and act



upon the same while dealing with the issuance of family pension.

11. The grant of family pension is beneficial in nature and therefore, strict adherence to procedure to the extent of defeating the rights of a person to receive the family pension on the ground of being a deserted wife, should be avoided.

12. In the case in hand, it is quite evident that even as on the date when the Tahsildar issued the deserted women certificate in the year 2023, the petitioner had been deserted for 17 long years. By now, it is almost 20 years. Therefore, this Court is inclined to modify the order passed on 23.09.2025 insofar as the requirement of an order of the Court to substantiate that the petitioner is a deserted woman. Instead, it will suffice if the petitioner has already submitted a deserted woman certificate issued by the Tahsildar, Mettur Taluk on 19.09.2023 and the same shall be acted upon by the respondent. The order passed in the writ petition is modified accordingly and the directions issued at Paragraph No.7 of the order pertained to five documents and out of the same, insofar as substantiating the deserted women status of the petitioner, the respondent shall act upon the deserted women certificate issued by the Tahsildar, Mettur



Taluk, on 19.09.2023. The other four documents have already been submitted by the petitioner.

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13. The Writ Miscellaneous petition is disposed of in the above terms.

14. There shall be a direction to the respondent to act upon the order passed in the modification petition and process the application submitted by the petitioner seeking for family pension and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order.

15. With the above directions, this contempt petition is closed.

03-11-2025

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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



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N.ANAND VENKATESH J.
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