



W.P.No.28766 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2025

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.28766 of 2023

and

W.M.P.No.28350 of 2023

1. Smt.Gowri Ganga

2. Mr.Arunkumar

...Petitioners

-Vs-

1.The Principal Controller of Defence Accounts [Pension],
DraupadiGhat,
New Sadar Bazaar,
Prayagraj,
Uttar Pradesh-211 041.

2.The Defence Pension Disbursement Officer,
No.20, 4th Street,
Gopalapuram,
Vellore-632 006.

3.The Officer in Charge of Records,
Records the Madras Regiment,
MRC Wellington, Nilgiri District.
Pin-900 458,
C/o.56 APO.

4.The Assistant Director,
Ex-Servicemen Welfare Office,
1st Floor, Collectorate Complex,



W.P.No.28766 of 2023

Tiruvannamalai District,
Tamil Nadu-606 604.

WEB COPY

5.Mr.Rathinam

6.Smt.Indirani

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus, directing the respondents 1 to 4 to record 1st petitioner's name in the service records of the 5th respondent as wife by removing the name of 2nd petitioner as son of 5th Respondent in his service records, and further direct the respondents 1 to 4 to effect publication part II order remarriage and birth of child in service records of the 5th Respondent.

For Petitioners : Mr.A.Gouthaman

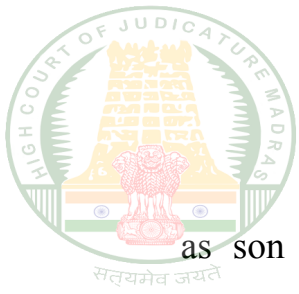
For Respondents : Mr.V.Ashok Kumar
CGSC for R1 to R3

For 4th Respondent : Mr.S.Prabhakaran
Government Advocate

For Respondents 5 and 6:Mr.V.Pari Vallal

ORDER

This writ petition is filed for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to record 1st petitioner's name in the service records of the 5th respondent as wife by removing the name of 2nd petitioner



W.P.No.28766 of 2023

as son of 5th Respondent in his service records, and further direct the respondents 1 to 4 to effect publication part II order remarriage and birth of child in service records of the 5th Respondent.

2. The case of the petitioner is that 5th respondent is the husband of the 1st petitioner and father of the 2nd petitioner. The 5th respondent was served in Indian Army as Ex.NK. He has joined in service on 16.11.1970 and discharged from service on 30.11.1985. The 1st petitioner states that she is the legally wedded wife of the 5th respondent herein. The marriage was solemnized with the 5th respondent on 28.01.1985. Out of the said wedlock, the 1st petitioner gave birth of Arunkumar, the 2nd respondent herein. The grievance of the petitioner is that petitioner and the 5th respondent are in separation and their marriage was not dissolved by decree of divorce. The petitioner sent a representation dated 08.07.2020 to the 3rd respondent not to disburse the pension amount and also make arrangements to incorporating the name of the petitioners in service records. On 10.09.2020, the same representation to the 3rd respondent. In spite of the same, no steps have been taken by the authorities, the petitioners have preferred the writ petition before this Court.



W.P.No.28766 of 2023

WEB COPY

3. The learned counsel for the petitioners submitted that the 1st petitioner sent representation to the 3rd respondent dated 10.09.2020 and the same is not considered and no orders have been passed till date.

4. The learned standing counsel appearing for the respondents 1 to 3 would submit that no order has been passed on the representation of the petitioner dated 10.09.2020, the same is not considered till date.

5. Heard the learned counsel on both sides and perused the materials available on record.

6. Taking into consideration the factual aspects of the matter, this Court without going into the merits of the case, directs the 3rd respondent to consider the representation of the petitioner dated 10.09.2020 and while considering the petitioner's representation may also take into consideration the investigation report dated 06.11.2019, on merits, in accordance with law and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order.



W.P.No.28766 of 2023

WEB COPY

7. In the result, the writ petition stands disposed of with the above directions. No costs.

24.01.2025

ssn

Index : Yes/No

Speaking/Non Speaking order

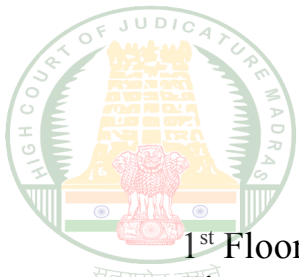
To

1.The Principal Controller of Defence Accounts [Pension],
DraupadiGhat,
New Sadar Bazaar,
Prayagraj,
Uttar Pradesh-211 041.

2.The Defence Pension Disbursement Officer,
No.20, 4th Street,
Gopalapuram,
Vellore-632 006.

3.The Officer in Charge of Records,
Records the Madras Regiment,
MRC Wellington, Nilgiri District.
Pin-900 458,
C/o.56 APO.

4.The Assistant Director,
Ex-Servicemen Welfare Office,



W.P.No.28766 of 2023

1st Floor, Collectorate Complex,
Tiruvannamalai District,
Tamil Nadu-606 604.

WEB COPY

J.SATHYA NARAYANA PRASAD, J.,

ssn

**W.P.No.28766 of 2023
and
W.M.P.No.28350 of 2023**



WEB COPY



W.P.No.28766 of 2023

24.01.2025