



WP No.30883 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED :18.08.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.30883 of 2025

B.Vimala

... Petitioner

Vs.

1. The Director of School Education,
Chennai 600 006.

2. The Chief Educational Officer,
Udhagamandalam,
The Nilgiris District.

3. The Accountant General (A & E),
Office of the Accountant General (A & E),
Pension Section, 361, Anna Salai,
Teynampet, Chennai 600 006

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents herein to resume the payment of the Family pension to the petitioner in the light of the judgement of the Honble Supreme Court in Civil Appeal No. 8032 of 2024 in Radha Devi Vs. Chief General Manager dated 26.07.2024 and based on the petitioners representation dated 12.12.2024 within a time frame.



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WEB COPY For Petitioner : M/s.G.Bala and Daisy
For Respondents 1 and 2 : Mr.S.Prabhakaran
Government Advocate
For Respondent-3 : Mr.P.Manoj Rajan
Standing Counsel

ORDER

The above writ petition is filed seeking a direction to the respondents to resume the payment of family pension to the petitioner in the light of the judgement of the Honble Supreme Court in Civil Appeal No. 8032 of 2024 in Radha Devi Vs. Chief General Manager dated 26.07.2024 and based on the petitioner's representation dated 12.12.2024 within a time frame to be fixed by this Court.

2. It is the case of the petitioner that her husband, K.Bellan was working as a Teacher in the Government Higher Secondary School Mellur Hosatty, Mellur Post, Nilgiris District. He had died on 08.12.2021 leaving behind the petitioner and his two sons. Her husband had rendered 33 years of services in the Education Department as a Teacher-Selection Grade Assistant and had retired on 01.06.2000. She was receiving pension. The



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petitioner's husband's first wife had been separated from him in the year 1987 and had expired on 22.06.2017. She had been receiving maintenance through the order in M.C.No.7 of 1989 on the file of the Judicial Magistrate-III, Coimbatore.

3. The petitioner would submit that her name has been shown as nominee in her husband's service book and in the pension payment order, she was described as his wife. She was also nominated for the family pension.

4. On the demise of her husband, the petitioner was sanctioned family pension. However on 22.11.2024, the 3rd respondent passed an order stating that, from a perusal of the records, it is seen that the marriage with the petitioner was solemnized during the subsistence of the 1st marriage and therefore, was not valid. Thereafter, the family pension that was being paid to the petitioner was stopped. The petitioner therefore made a representation dated 12.12.2024 requesting the continuance of the family pension.



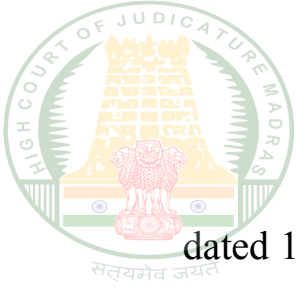
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5. The petitioner would submit that in identical circumstances, the Hon'ble Supreme Court in ***Civil Appeal No. 8032 of 2024 [Radha Devi Vs. Chief General Manager]*** had recognized a woman who had lived with the government servant and had taken care of him, and accordingly awarded her family pension. She would submit that despite the above representation and totally overlooking the dicta laid down by the Hon'ble Supreme Court, the respondents are refusing to pay the family pension. Therefore, the petitioner is before this Court.

5. Heard the learned counsels on either side and perused the materials available on record.

6. The petitioner has submitted a representation dated 12.12.2024 requesting the respondents to continue to resume the payment of the family pension by relying upon the above referred judgment of the Hon'ble Supreme Court. It is seen that the representation has not been taken up for consideration to date. Therefore, a mandamus is issued to the 3rd respondent to consider and pass orders on the petitioner's representation



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dated 12.12.2024 especially in the light of the judgment of the **Civil Appeal**

No. 8032 of 2024 [Radha Devi Vs. Chief General Manager] after

affording an opportunity to put forward her case within a period of one month from the date of receipt of a copy of this order. No costs.

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Index : Yes/No
Speaking Order : Yes / No

srn

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P.T. ASHA, J,

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