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W.P.No.34658 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 7/4/2025

C O R A M

The Hon'ble **Mrs.JUSTICE V.BHAVANI SUBBAROYAN**

Writ Petition No.34658 of 2023

V. Kutti

...

Petitioner

Vs

1. The Managing Director

Tamil Nadu State Transport Corporation (Salem)

No.12 Ramakrishna Salai

Salem 636 007.

2. The Administrator

Tamil Nadu State Transport Corporation Pension Fund Trust

Pallavan Salai

Chennai 600 002.

...

Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India
praying for the issuance of a writ of mandamus to include the name of the
petitioner's first wife, namely, Mrs.Salammal in the Pension Payment Order
as a nominee of the petitioner to receive the family pension.



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For petitioner	...	Mr.V.S.Jagadeesan
For respondents	...	Mr.K.Raja Standing Counsel for R.1
		Mr.CSK.Sathish Standing Counsel for R.2

ORDER

This writ petition has been filed to include the name of the petitioner's first wife, namely, Mrs.Salammal in the Pension Payment Order as a nominee of the petitioner to receive the family pension.

2. The facts that led to the filing of the writ petition are as follows:-

The petitioner was appointed as a Driver in the State Transport Corporation on 13/6/1979 and after attaining the age of superannuation, retired from service on 30/1/2007. Originally, the petitioner had married Salammal and out of their wedlock, she gave birth to two male children. Suddenly, she had become very sick. On the request made by the first wife



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of the petitioner, the petitioner had married one Lakshmi and out of their wedlock, she had given birth to two female children and one male child.

Thereafter, the petitioner had brought to the notice of the respondents about the marriages and names of both the wives have been entered in the service register under the column for the Family Benefit Scheme, Gratuity, Provident Fund Accumulations, as nominees.

3. At the time of sanctioning pension, second respondent has not included the name of the first wife as a nominee to receive the Family Pension. The entire benefits were sanctioned by the respondents and in the column of the nominee, second wife's name was mentioned. But all of a sudden, his second wife died on 9/9/2012. Hence, necessity had arisen to change the name of the nominee from the second wife to that of first wife Salammal and gave various representations to that effect. Since, there was no response, the petitioner has come forward with the instant writ petition, praying for the relief as stated therein.

4. The Managing Director, Tamil Nadu State Transport Corporation (Salem) Limited, Salem, has filed a counter affidavit on behalf of the first

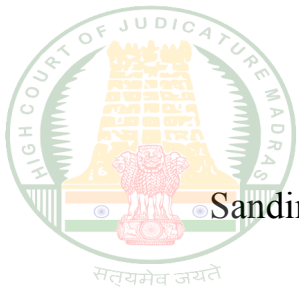


respondent, wherein it is stated that in the Pension Proforma, the petitioner has clearly stated that K.Lakshmi is the nominee to receive the eligible family pension after his demise. The following names have been registered as legal heirs in his Pension Proforma at the time of retirement:-

<i>S.NO.</i>	<i>Name</i>	<i>Age</i>	<i>Relationship</i>
1	Lakshmi	50	wife
2	K.Balamurugan	21	son
3	K.Periyasamy	25	son
4	K. Mathammal	35	daughter
5	K. Dhanalakshmi	30	daughter

5. It is further stated in the counter affidavit that though the name of the first wife was registered as a wife in the petitioner's service register, petitioner had not nominated K.Salammal as a nominee and not even nominated as a legal heir in his Pension Proforma. Thus as per the Pension Trust Rule, there is no provision to nominate K.Salammal as a nominee to the petitioner and prays for dismissal of the writ petition.

6. Heard Mr.V.S.Jagadeesan, learned counsel for the petitioner, Mr.K.Raja, Standing Counsel for the first respondent and Mr.CSK.Sathish,



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Standing counsel for the second respondent.

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7. The learned counsel appearing for the petitioner would submit that due to unexpected things that had happened in the life of the petitioner, his second wife K.Lakshmi, died on 9/9/2012. Thus, necessity had arisen to change the name of the nominee from that of his second wife Lakshmi to that of his first wife Salammal.

8. The learned Standing Counsel appearing for the first respondent would submit that as per the Pension Trust Rule, after the demise of the employee, legally wedded first wife is eligible to get all the pensionary benefits and this matter was communicated to the petitioner vide this Office Letter No.0532/Pension/TNSTC (Slm)/D.Puri/2007 dated 2/4/2007.

9. Perused the materials available on record.

10. Admittedly, the petitioner is now taking care of his first wife Salammal and his second wife was passed away due to serious illness and the very purpose of his second marriage got defeated. If any untoward



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incident happens to the petitioner, his first wife will be put to irreparable hardship. In such a situation, this Court deems it fit to direct the respondents to consider the case of the petitioner, positively, in a time bound manner will meet the ends of justice.

11. Accordingly, the respondents are directed to consider the case of the petitioner sympathetically and include the name of Salammal in the Pension Payment Order, as nominee of the petitioner, within a period of sixteen weeks from the date of receipt of a copy of this order.

12. With the above direction, this writ petition is disposed of. No costs.

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Index: Yes/No

Neutral Citation: Yes/No



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