



W.P.(MD).No.1827 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.1827 of 2025

Kalaiselvi

... Petitioner

Vs

1. The Managing Director,
Tamil Nadu State Transport Corporation
Madurai Limited,
Byepass Road,
Madurai 625003.

2. The General Manager,
Tamil Nadu State Transport Corporation
Madurai Limited,
Madurai Region,
Byepass Road,
Madurai 625003.

3. The Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai- 600 002.

... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to pay petitioner deceased husband's family pension to petitioner by considering petitioner representation dated 03.12.2024 within a time frame fixed by this Court.

For Petitioner : Mr.R.Subburaj

For Respondent Nos. 1 & 2 : Mr.K.Ramaiah
Standing Counsel

For Respondent No.3 : Mr.S.C.Herold Singh,
Standing Counsel

ORDER

The instant writ petition has been filed by the wife of a deceased employee of the respondent transport corporation, seeking a mandamus for disbursing family pension based upon her representation dated 03.12.2024.

2. A perusal of the records reveal that the petitioner's husband who was working as a Clerk in the respondent transport corporation in the Madurai Region, had passed away on 19.08.204 while he was in service leaving behind this petitioner, two daughters and one son and mother-in-law. When the petitioner made a request for disbursement of family pension, the same was not considered by the authorities citing a reason that the petitioner had married the deceased employee while the first marriage was in existence.



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3. The learned Counsel appearing for the Respondents had contended that the deceased employee got married to one Radha and the said marriage was dissolved based upon the decree of divorce granted in H.M.O.P.No.420 of 2011, on the file of the Sub-Court, Thirumangalam, dated 11.01.2012. However, the deceased employee submitted his marriage invitation as if he had married the writ petitioner on 13.03.1998. The said facts will indicate that the marriage of the petitioner with the deceased employee was not legally permissible in view of the existence of first marriage.

4. The learned Counsel appearing for the writ petitioner would submit that there is no rival claim for family pension and therefore her request may be considered. He further submits that the first marriage of the deceased employee was dissolved by the Court by an order dated 11.01.2012. In such circumstances, the request of the petitioner for disbursement of family pension may be considered.



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5. In view of the above said facts, the second respondent is directed to consider the representation of the petitioner dated 03.12.2024, and pass orders in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above said observations, this writ petition is disposed of.

No costs.

29.01.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR,J.

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