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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.11.2025

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THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD)No.2810 of 2024
and
W.M.P(MD)No.2809 of 2024

Chellathai ...Petitioner

Vs

1.The Joint Director,
Directorate of Pension,
Perasiriyar K.Anbazahgan Maaligai,
3rd Floor, No.571 Anna Salai,
Nandanam, Chennai 600 035.

2.The District Collector,
O/o.District Collectorate,
Tirunelveli District.

3.The Treasury Officer,
District Treasury Office,
Tirunelveli 627 009.

4.The Assistant Educational Officer,
Ottapidaram Taluk,
Thoothukudi District

5.The Block Educational Officer,
O/o. Block Education,
Ottapidaram Taluk,
Thoothukudi District. ... Respondents

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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order made in Lr.No.13334/2023/E2 dated 24.08.2023 passed by the first respondent and to quash the same as illegal and arbitrary and consequently direct the respondents herein to provide the family pension to the petitioner herein with arrears from the date of death of her husband i.e., from 07.10.2022 and other monetary benefits within a stipulated period as to be fixed by this Court.

For Petitioner : Mr.R.Karunanidhi

For Respondents : Mr.F.Deepak
Special Government Pleader

O R D E R

This writ petition has been filed for a writ of Certiorarified Mandamus to call for the records relating to the impugned order made in Lr.No.13334/2023/E2 dated 24.08.2023 passed by the first respondent and to quash the same as illegal and arbitrary and consequently direct the respondents herein to provide the family pension to the petitioner herein with arrears from the date of death of her husband i.e., from 07.10.2022 and other monetary benefits within a stipulated period as to be fixed by this Court.

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2. The claim of the petitioner is that she is the second wife of the deceased employee, who died on 07.01.2022. Even though she married the deceased employee during the subsistence of the first marriage, it is submitted that the first wife had died on 08.11.2018 and that she had been living along with the deceased employee as his first wife had also deserted him. The petitioner had taken care not only of the child born out between the deceased employee and herself but also of the children born to the deceased employee and his first wife. He submitted that the petitioner's name was mentioned as the nominee in the nominee column. However, when the petitioner applied for sanction of the family pension, the respondents, by the impugned proceedings, sought for submission of succession certificate from the Court. Therefore, she prays this Court to quash the order impugned herein and to direct the respondents to grant family pension to her

3. Countering his arguments, Mr.F.Deepak, learned Special Government Pleader for the respondents would submit that the marriage with the second wife had taken place, while the first marriage was valid.

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Hence, the marriage with the second wife whom he seeks to include cannot be entertained, as the said marriage is a void marriage under the Provisions of the Hindu Marriage Act. Hence, he would submit that such Mandamus as prayed for should not be granted by this Court.

4. I have considered the submissions made by the learned counsels appearing on either side and perused the materials available on record.

5. It is true that a second marriage, during the subsistence of a valid first marriage, is a void marriage and therefore, the respondents would be right in contending that the request of the petitioner to grant family pension to her should not be entertained. But however considering the facts of the present case, it is evident that the deceased employee had nominated the petitioner for receipt of his death cum gratuity benefits in full, which is also not disputed and that the deceased employee had not nominated any other person other than the petitioner to receive his family pension even in the nominee form pertaining to the family pension benefits scheme, where petitioner's name alone has been included. Even during the life time of the deceased employee, the

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petitioner had been living with the deceased employee which would substantiate the nomination made by the deceased employee in the appropriate form.

6. For the aforesaid reasons, the impugned order is set aside and the respondents are directed to grant family pension to the petitioner as eligible. Such exercise shall be completed by the respondents within a period of eight weeks from the date of receipt of a copy of this order.

7. In fine, writ petition stands allowed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

10.11.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
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To:

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K.KUMARESH BABU, J.

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