



W.P.(MD)No.3276 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.02.2025

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THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

W.P.(MD)No.3276 of 2019

Banumathy

... Petitioner

Vs.

- 1.The General Manager,
Southern Railway,
Egmore, Chennai.
- 2.The Divisional Manager,
Southern Railways,
Tiruchirapalli Junction, Trichy.
- 3.The Workshop Personal Officer,
Central Workshop,
Southern Railways,
Goc, Ponmalai, Trichy.
- 4.The Assistant Personal Officer,
Southern Railway,
Ponmalai, Trichy.
- 5.Jesintha

... Respondents

(R5 is impleaded vide Court order dated 28.02.2019 in W.M.P.(MD) No.3761 of 2019 in W.P.(MD)N3276 of 2019)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the third and fourth respondents to issue the half of the retirement benefits of Mr.R.A.Paneer



W.P.(MD)No.3276 of 2019

@ Anthony Paneer, Senior Technician, CRS/GOC Trichy to the petitioner, by considering the petitioner's representation dated 29.10.2018 in accordance with law by time stipulated by this Court.

For Petitioner : Mr.D.Balamurugapandi

For R1 to R4 : Mr.K.Govindarajan,
Deputy Solicitor General of India.

ORDER

This petition has been filed to direct the third and fourth respondents to issue the half of the retirement benefits of Mr.R.A.Paneer @ Anthony Paneer, Senior Technician, CRS/GOC Trichy to the petitioner, by considering the petitioner's representation dated 29.10.2018.

2.It is the case of the petitioner that the petitioner married one Thiru.R.A.Paneer @ Anthony Paneer on 28.09.1991 and thereafter, they were living peacefully at south D, Railway colony Quarters at Trichy. The said Thiru.R.A.Paneer @ Anthony Paneer was working as Senior Technician, CRS/GOC, Trichy, in the Railway Department. At the time of marriage, he had informed that already he got married and his first wife divorced him. The petitioner is having family card, Aadhar card

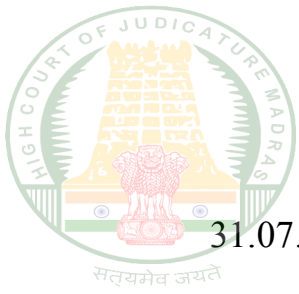


W.P.(MD)No.3276 of 2019

and Electoral card. The said Thiru.R.A.Paneer @ Anthony Paneer was retired from service due to superannuation on 31.07.2017. When the petitioner came to that first wife of her husband is alive, she lodged a compliant to the Assistant Commissioner of Police, Trichy on 02.02.2018 where her husband appeared and admitted the marriage solemnized between the petitioner and her husband in writing. Thereafter, he suddenly died on 08.10.2018. The petitioner sent a representation dated 29.10.2018 to the official respondents claiming half of the retirement benefits and the same was not considered. Hence, the writ petition.

3.The learned counsel appearing on behalf of the petitioner would submit that the petitioner is entitled to receive half of the retirement benefits of Thiru.R.A.Paneer @ Anthony Paneer, who was working as Senior Technician, CRS/GOC, Trichy, in the Railway Department.

4.Per contra, the learned Deputy Solicitor General of India appearing for the official respondents would submit that based on the complaint lodged by the petitioner dated 27.07.2017, the Railway Department was conducted an enquiry and submitted a report dated



W.P.(MD)No.3276 of 2019

31.07.2017. He would further submit that during enquiry, it was revealed that the said Thiru.R.A.Paneer @ Anthony Paneer has informed office about his family composition wherein there is no mention about the name of the writ petitioner herein. He would further submit that as per service Rules applicable to the deceased Thiru.R.A.Paneer @ Anthony Paneer, the petitioner, who is the second wife is not entitled for pensionary benefits. To strengthen his contention, he has relied upon the decision of this Court passed in W.P.No.32556 of 2014 dated 15.07.2022 to show that as per the Tamil Nadu Pension Rules, the second wife is not eligible to get pensionary benefits and the second wife has no legal status.

5.This Court considered the submissions made on either side and perused the materials available in the record.

6.In the case on hand it is an admitted fact that the writ petitioner married the deceased employee as second wife, during the life time of the first wife and there is no Rule applicable to the petitioner to claim pensionary benefits as second wife, when the first wife is alive. The present writ petition has been filed to issue Writ of Mandamus to consider the representation submitted by the petitioner, as such, the



W.P.(MD)No.3276 of 2019

petitioner is not entitled to claim such relief as against the statutory Rules and provisions of Service Rules, which are applicable to the deceased employee. There is no merit in this writ petition and the same is liable to be dismissed.

7.In the result, this writ petition is dismissed. No costs.

NCC : Yes / No
Index : Yes / No
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W.P.(MD)No.3276 of 2019

M.JOTHIRAMAN, J.

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W.P.(MD)No.3276 of 2019

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