



W.P.(MD)No.17997 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.17997 of 2025

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... Petitioner

-VS-

- 1.The State Auditor,
Office of Accountant and General (A and E),
No.361, Anna Salai, Chennai.
- 2.The Pay and Accounts Officer (South),
1st Floor, Perasiriyar K.Anbazhagan Maaligai,
No.571, Anna Salai, Chennai.
- 3.Regional Joint Director of Treasuries and Accounts,
Collectorate Complex,
Madurai.
- 4.The Superintendent of Police,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to release the service monetary benefits of the petitioner's husband to the petitioner, by considering the petitioner's representations dated 28.02.2025 and 28.03.2025.



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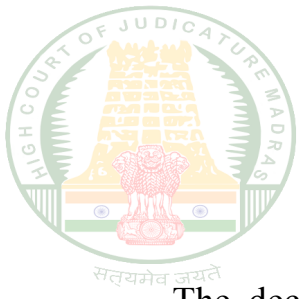
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For Petitioner : Mr.S.A.Ajmalkhan
For R1 : Mr.P.Gunasekaran
Standing Counsel
For R2 to R4 : Mr.K.Balasubramani
Special Government Pleader

ORDER

This Writ Petition is filed seeking a direction to the respondents to release the service-related monetary benefits due to the petitioner's deceased husband, in favour of the petitioner, by considering her representations dated 28.02.2025 and 28.03.2025.

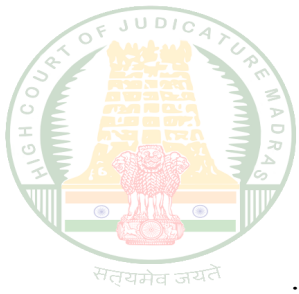
2. The learned counsel for the petitioner submits that the petitioner is the legally wedded wife of the deceased Balasubramani, a retired Constable from the Tamil Nadu Police Department, who passed away on 23.10.2023. The deceased initially married one Banumathi in 1984, but that marriage was dissolved through customary Village Panchayat divorce within a year and the couple had no children. In 1985, the deceased married the petitioner and they lived together as husband and wife for nearly four decades, during which they had three children, namely, two sons (Anbumani and Vigneshwaran) and one daughter (Saranya).



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The deceased, during his lifetime, had no further contact with his first wife, Banumathi, who has been living separately for more than 35 years. The service records of the deceased still reflect Banumathi as his wife, although the children born through the petitioner are correctly entered as his children.

3. The learned counsel further submits that after the death of her husband, the petitioner submitted representations dated 28.02.2025 and 28.03.2025 to the concerned authorities, including the Pay and Accounts Officer (South), the Regional Joint Director of Treasuries and Accounts, the Superintendent of Police, Madurai and the State Auditor, Office of the Accountant General (A&E), seeking recognition as the legal wife and rightful claimant of pension and service-related monetary benefits. The petitioner also submitted all necessary documentary evidence to establish her legal status as the wife of the deceased and requested rectification of the service records and disbursement of benefits accordingly. Despite proper submission and receipt of her representations by the respondents, no action has been taken to consider or resolve her legitimate claim to the pension and service benefits of her late husband. The petitioner, having no other effective or alternative remedy, has been constrained to approach this Court, seeking



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appropriate directions to the respondents to consider her representations and release the monetary benefits to her as the legally entitled person.

4. The learned Standing Counsel appearing for the first respondent and the learned Special Government Pleader appearing for the respondents 2 to 4 submit that the name of the first wife, Banumathi, continues to be reflected in the service records of the deceased employee, Balasubramani, as his legally wedded spouse. The said entry was never rectified or challenged during the lifetime of the deceased.

5. It is further submitted that the petitioner, who claims to be the second wife, has not produced any valid legal document to establish either the dissolution of the first marriage by a decree of a competent Court or the legality of her subsequent marriage to the deceased. They further contend that pensionary and service-related benefits can only be disbursed in accordance with the official service records. In the absence of any Court order or legally admissible proof altering the marital status recorded therein, the petitioner's claim cannot be



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entertained administratively.

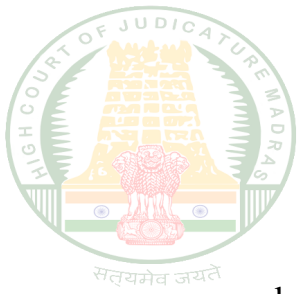
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6. It is also submitted that the claim involves disputed questions of fact, including the validity of the alleged customary divorce and the legality of the petitioner's marriage, which require proper adjudication by a competent Civil Court and cannot be resolved in writ proceedings under Article 226 of the Constitution. Hence, the writ petition is devoid of merits and liable to be dismissed.

7. After hearing both sides and perusing the materials placed on record, this Court is of the view that the writ petition lacks merits and is liable to be dismissed for the following reasons:-

(i) The petitioner admittedly is the second wife of the deceased employee. The first marriage was not dissolved by a decree of a competent Court and no valid proof of dissolution has been placed before this Court.

(ii) The service records of the deceased employee continue to reflect the first wife, Banumathi, as the legally wedded spouse and there is no official amendment or recognition of the petitioner as the nominee



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or legal heir for the purpose of pensionary benefits.

(iii) The claim raised by the petitioner involves seriously disputed questions of fact regarding marital status, customary divorce and entitlement to benefits, which cannot be adjudicated in a writ proceeding under Article 226 of the Constitution.

(iv) If the petitioner has any grievance with respect to her legal status or entitlement to the service benefits of the deceased, she is at liberty to seek appropriate relief before the competent Civil Court in accordance with law.

8. Accordingly, the Writ Petition stands dismissed as devoid of merits. No costs.

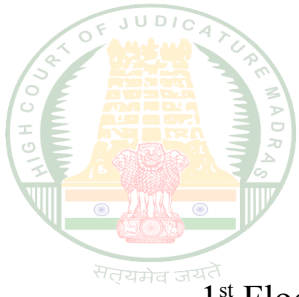
NCC : Yes / No
Index : Yes / No
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VIVEK KUMAR SINGH, J.

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