



W.P(MD).No.22228 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.01.2025

CORAM:

THE HONOURABLE MR JUSTICE B.PUGALENDHI

W.P(MD).No.22228 of 2022

N.Logammal

.. Petitioner

Vs.

1.The Officer-in-Charge
Signals Records (NE GP),
Pin – 908 770
C/o. 56 APO.

2.The Deputy Director,
Ex-Servicement Welfare,
Railway Colony,
Madurai – 625 016.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the Respondents to immediately process the Petitioner's pension payment request and order for publication of Part-II order of the Petitioner's husband Ex-Serviceman C.Nagarajan Ex-Number 14224024H based on the Petitioner's representation dated 11.07.2022.



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For Petitioner : Mr.Kannan.M
Advocate

For Respondents : Mr.K.R.Laxman

ORDER

The Petitioner is the widow of one Nagarajan, who served as Naik in the Indian Army. He joined in the year 1975 and retired in the year 1993. He died in the year 2017. Nagarajan was already married to one Kala. The first wife Kala died on 12.06.2005 and the Petitioner claims that after the death of Kala, Nagarajan married her on 26.02.2007. Therefoer, the Petitioner has made a request for family pension of her late husband Nagarajan that she is the legally wedded wife of Nagarajan.

2. The learned Counsel for the Petitioner submitted that the Petitioner has made this request along with an affidavit and legal heir certificate issued by the Sub-Divisonal Magistrate/Competent Authority. However, the Respondents, by proceedings dated 03.06.2022, directed this Petitioner to produce the Marriage Registration Certificate and the Death Certificate of N.Kala.



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3. He further submitted that the marriage between the Petitioner and the deceased Nagarajan was not registered, however it is a valid marriage and it has also been recognized by the Tahsildar, while issuing the legal heir certificate. Insofar as the death certificate of Kala is concerned the Petitioner has produced the same. However, in the certificate it is recorded as 'Kala w/o.Nagarajan' and not as 'N.Kala'. By saying so, the Respondents are not considering the Petitioner's prayer, despite the clarifications made by the Petitioner. Therefore, he prayed for appropriate orders.

4. The learned Counsel for the Respondents submitted that there is no reference of this Petitioner in the Service Register of the deceased Nagarajan who got retired in the year 1993. The Petitioner is also not having any valid marriage certificate and therefore the Respondent has made certain queries in the proceedings dated 03.06.2022, which the Petitioner has not complied. Therefore, the Petition cannot be proceeded with.



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5. This Court has considered the rival submissions advanced by the learned counsel for the petitioner and the learned Counsel for the Respondents and perused all the materials available on record.

6. The Petitioner's husband Nagarajan died in the year 2017. It appears that this Petitioner has made the request for family pension immediately in the year 2019, after obtaining the necessary certificates. However, the Petitioner's request was not considered, citing some discrepancies in the death certificate of 'N.Kala' and non-production of marriage certificate.

7. Admittedly, in the death certificate of Kala/first wife, her husband's name is clearly recorded as Nagarajan. Insofar as the marriage registration certificate is concerned, the Petitioner claims that there was no practice of registering the marriage during the relevant period of time and that the marriage was not registered. However, their marriage has been recognized, verified. The Competent Authority, namely the Tahsildar has issued a legal heir certificate to this Petitioner that this Petitioner is the legal heir of the deceased Nagarajan.



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8. Therefore, the Respondents shall take a decision on the representation of this Petitioner dated 11/07/2022, considering her clarification and pass a suitable order, within a period of twelve (12) weeks from the date of receipt of copy of this order. This Writ Petition stands disposed of with the above observations and directions. No costs.

28.01.2025

NCC : Yes/No
Index : Yes/No
Internet : Yes
nst



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B.PUGALENDHI, J.

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