

W.P.(MD) No.20853 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Reserved On : 31.07.2025

Pronounced On : 29.08.2025

CORAM:

THE HONOURABLE DR. JUSTICE A.D. MARIA CLETE

W.P. (MD) No.20853 of 2017

M. Soundara Rajan,
2/184-A, West Street,
Kovil Pappakudi,
Podumbu (PO),
Madurai - 625 018.

... Petitioner

Vs.

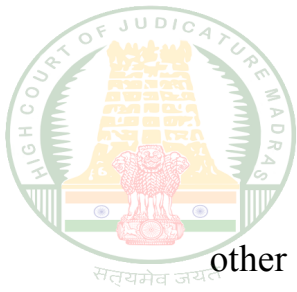
1.The Accountant General (A & E),
Pension Verification Section,
Chennai - 600 018.

2.The Treasury Officer,
Madurai.

... Respondents

PRAYER:

To issue a Writ of Certiorarified Mandamus or any other appropriate writ, order or direction in the nature of writ, to call for the records relating to the impugned order passed by the r^e Respondent in his proceedings in Pen.3/U/Pt. 7679/15-16 dated 11.02.2016 quash the same and consequently directing the Respondent herein to change the nomination in the Petitioner's Pension Pay Order as S.Meena instead of S.Kalyani for the purpose of paying Family Pension based on the representation of the petitioner dated 14.10.2014 and pass such further or



W.P.(MD) No.20853 of 2017

other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

APPEARANCE OF PARTIES:

For Petitioner : Mr.D.Srinivasaragavan, Advocate

For Respondents : Mr.J.Ashok,
Additional Government Pleader for R2

: Mr.P.Gunasekaran, Advocate for R1

JUDGMENT

Heard.

2. The petitioner, who was employed in the Health Department, retired from service on 30.06.2000 as a Selection Grade Health Inspector Grade-I. During his tenure, he married one S. Kalyani in the year 1967. It is his case that, as the couple remained without issue, he contracted a second marriage with her sister, Meena, on 22.06.1981. For purposes of family pension, the petitioner had nominated his first wife, Kalyani. She passed away on 30.11.2013, several years after the petitioner's retirement. The petitioner, now aged 73, has approached this Court through the present writ petition seeking substitution of his nominee for family pension, by replacing the name of Kalyani with that of his second wife, Meena.



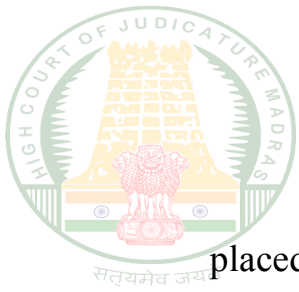
W.P.(MD) No.20853 of 2017

3. By the impugned order dated 11.02.2016, the 1st respondent rejected the petitioner's request. The operative portion of the said order reads as follows:—

“With reference to your letter cited, it is stated that Incorporation of name of 2nd wife for FP in r/o. M.Soundararajan cannot be made as the marriage took place when the 1st wife was alive. As per TN Pension Rules, as the date marriage with 2nd stated as 22.6.1981 whereas the date of death of 1st wife was on 30/11/13. Hence FP Incorporation to 2nd wife cannot be made in the name of 2nd wife. The son or daughter of 1st wife or 2nd wife may be included in the list of family members if the event arises.

But the son S.Muthukumar (DOB: 23/2/83) & S.Thangapriya (DOB: 30/5/86) are not eligible for inclusion in the list of family members as they have crossed 25 years. In the ration xerox copy, M.Raviraj (14 yrs) have been included. SO the details of the above along with age proof, DOB, details whether born thro 1st wife or 2nd wife may be stated for inclusion in the list of family members. Hence no other action is required in this case.”

4. The petitioner, assailing the impugned order, contended that his second marriage was solemnized during the subsistence of the first marriage, but with the consent of his first wife. He submitted that only after the demise of the first wife did he seek substitution of the nominee's name in favour of the second wife. The learned Government Pleader, however, submitted that such a contention has consistently been negated by this Court in several decisions. In particular, reliance was



W.P.(MD) No.20853 of 2017

placed on the judgment of the Division Bench in ***Vijayalakshmi v. The Principal Accountant General (A&E), Tamil Nadu***, reported in **2022 (1)**

Writ L.R. 630, wherein at paragraph 16 it was held as follows:—

“To confer the status of second wife, the appellant is under an obligation to prove the marriage and it should be a valid marriage and not during the life time of the first wife. The material to that effect has not been produced, rather a perusal of the charge memo shows allegation of second marriage against the erstwhile government servant during the life time of the first wife and that makes the marriage illegal and, therefore, the claim of the appellant seeking family pension as second wife cannot be accepted.”

5. In yet another decision, the Division Bench in ***R. Rajathi v. The Superintending Engineer, TANGEDCO & another***, reported in **2018 (1)**

Writ L.R. 725, considered a similar question and, at paragraph 43, held as follows:—

“43. We are, therefore, constrained to conclude that the judgments which conclude that a second wife would be entitled to family pension, irrespective of her marriage being void, under the provisions of their relevant Personal Law’s applicable to the parties do not reflect the correct position of law and therefore will stand overruled. The applicability of Sub Rule 7(a)(i) is confined only to cases where the second marriage is valid under the Personal Law applicable to the parties, only in such cases, widows of such marriages would be entitled to family pension.”



W.P.(MD) No.20853 of 2017

6. In the light of the foregoing discussion, no ground is made out to interfere with the impugned order. Accordingly, the writ petition stands dismissed. There will be no order as to costs.

29.08.2025

Index: Yes / No

Speaking Order / Non-speaking Order

Neutral Citation : Yes / No

LS

Copy to:

1.The Accountant General (A & E),
Pension Verification Section,
Chennai - 600 018.

2.The Treasury Officer,
Madurai.



WEB COPY



W.P.(MD) No.20853 of 2017

DR. A.D. MARIA CLETE, J.

LS

Pre-delivery Judgment made in
W.P. (MD) No.20853 of 2017

29.08.2025