



W.P.(MD)No.30488 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.01.2025

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.30488 of 2024

N.Rani

... Petitioner

Vs.

- 1.The Chief Educational Officer,
First Floor, Collectorate Campus,
Karur-639 007.
- 2.The District Educational Officer,
Collectorate Campus,
Karur-639 007.
- 3.The Head Master,
Municipal Boys Higher Secondary School,
Azad Road, Karur-639 001.
- 4.The Principal Accountant General
(Accounts & Entitlements), Tamil Nadu,
No.361, Anna Salai, Teynampet,
Chennai-600 018.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 3 to forward proposals relating to grant of family



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pension to the petitioner on account of the death of her husband S. Sadasivam to the fourth respondent enabling him to sanction, authorize and disburse her family pension including arrears of family pension from 02.09.2023 within a time limit to be stipulated by this Court.

For Petitioner : Mr.P.Mohanraj

For R1 & R2 : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

The present Writ Petition has been filed seeking Mandamus as against the authorities for disbursing the family pension proposals on account of death of the writ petitioner's husband, namely, S.Sadasivam.

2. According to the learned counsel appearing for the writ petitioner, the writ petitioner got married to one Sadasivam on 07.02.1990 and out of the said wedlock, a girl child was born to them and she was named as Priyanka @ Rubadarshini. Due to matrimonial disputes, the writ petitioner was living away from her husband. Out of the said dispute, the writ petitioner's husband nominated his daughter in his service records and based upon the said nomination, entire terminal benefits were disbursed to her.



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3. The writ petitioner's husband had passed away on 01.09.2023 and when family pension proposals were forwarded to the fourth respondent, they have relied upon the *ex-parte* divorce decree as against the writ petitioner dated 13.11.2001 and have returned the said proposals. Thereafter, Educational authorities have sent revised proposal in the name of the daughter and the entire terminal benefits were paid in favour of the daughter. Now the writ petitioner seeks mandamus as against the Educational Authorities and Accountant General for releasing the family pension.

4. In H.M.O.P.No.66 of 2001 on the file of the Subordinate Court, Karur dated 13.11.2001, the writ petitioner's husband has obtained an order of *ex-parte* divorce decree as against the writ petitioner. However, the learned counsel appearing for the writ petitioner submits that the name of the writ petitioner has been wrongly mentioned and she has not received any notice from the Court with regard to the pendency of the divorce proceedings and the writ petitioner became aware of the divorce decree only after an order was passed by the fourth respondent.



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5. Considering the fact that there is an order of *ex-parte* divorce decree as against the writ petitioner and the fourth respondent has passed an order on 21.12.2023 holding that the writ petitioner is a divorced wife and she would not be entitled to any benefits, without challenging the said order, the present writ petition is not maintainable.

6. With the above said observations, this Writ Petition stands disposed of with a liberty to the writ petitioner to challenge the *ex-parte* divorce decree dated 13.11.2001 or challenge the order of the fourth respondent dated 21.12.2023, if he is so advised. No costs.

07.01.2025

NCC:Yes/No
Index:Yes/No
Internet:Yes/No
csm

To

1.The Chief Educational Officer,
First Floor, Collectorate Campus,
Karur-639 007.

2.The District Educational Officer,
Collectorate Campus,
Karur-639 007.



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WEB COPY 3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR ,J.

csn

Order made in
W.P.(MD)No.30488 of 2024

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