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W.P.No.3803 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2026

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THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

W.P.No.3803 of 2014

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... Petitioner

Vs.

1. The State of Tamilnadu
Rep. by its Principal Secretary,
Municipal Administration and Water Supply
Department,
Fort St. George,
Chennai – 600 009.

2. The Director,
Local Fund Audit,
Kuralagam, 4th Floor,
Chennai – 600 108.

3. The Commissioner,
Dharmapuri Municipality,
Dharmapuri District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the second respondent in Pa.Moo.No.30287/Na.O.Sa.3/2013 dated 09.10.2013 and quash the same, consequently directing the first respondent to consider the petitioner's family pension by relaxing rule based on the petitioner's representation dated 25.11.2013.



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For Petitioner : Mr.M.R.Jothimanian
For Respondents : Dr.S.Suriya,
Additional Government Pleader
(for R1 & R2)
Ms.A.Shri Jayanthi (for R3)

ORDER

The present Writ Petition has been filed challenging the impugned order dated 09.10.2013 passed by the second respondent and consequently seeking pensionary benefits in respect of the death of late C. Ramasamy, who was an employee under the third respondent/Department.

2.Heard the learned counsel for both sides and perused the materials available on record.

3.Admittedly, the petitioner claims to be the second wife of the deceased employee. The main relief sought in the present Writ Petition is issuance of a Writ of Certiorarified Mandamus to quash the impugned order, contending that the spousal status of the petitioner ought to have been recognised by invoking Section 82 of the Tamil Nadu Pension Rules and by relaxing the condition relating to the second wife.



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4.It is well-settled principles of law that exemption or relaxation of statutory provisions can be granted by the Government only in exceptional circumstances. Mere existence of a spousal relationship as a second wife cannot be construed as a “wife” within the meaning of the Tamil Nadu Pension Rules. Therefore, this Court does not find any infirmity in the impugned order of rejection. Apart from the above, the learned Additional Government Pleader appearing for the first and second respondents has produced the death certificate of the petitioner, which reveals that the petitioner herself expired on 14.03.2014.

5. In view of the aforesaid reasons, this Writ Petition is dismissed. No costs.

23.01.2026

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Index : Yes
Speaking order
Neutral Citation : Yes



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To

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The State of Tamilnadu
Municipal Administration and Water Supply
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C.KUMARAPPAN, J.

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