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W.P.No.9601 of .

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.03.2026

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 9601 of 2026
&
W.M.P.No. 10353 of 2026

M.Kanagasabai

...petitioner

Vs.

1.The District Collector,
O/o. The District Collector Office,
Ariyalur – 621 707.

2.The Chief Accountant,
Office of the Chief Accountant,
Chennai - 600017.

3.The Elementary Education Officer,
O/o. Elementary Education office,
Ariyalur - 621707.

4..The Tahsildar,
O/o. The Tashildar Office,
Ariyalur -621707.

...respondents



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Prayer: Writ Petition is filed under Section 226 of the Constitution of India for issue of Writ of Certiorarified Mandamus, calling for the records pertaining to impugned order in Na.Ka.A2.3660.2024 dated 22.04.2025 passed by the respondent No.4 rejecting the petitioner's representation and quash the same and specifically direct the respondent No.4 to positively consider to add the name of his second wife Fathima as a nominee in his pension papers by deleting the name of his deceased first wife Visalatchi in the light of the Authorities reported in W.P.No.5706 of 2021.

For petitioner : Ms. D.Arokia Mary Sophia

For respondents : Mr. T.Chandrasekaran
1, 3 & 4 Special Government Pleader

For respondent 2: Mr. P.Manorajan
Standing Counsel

ORDER

This writ petition is filed for the following relief:

“To call for the records pertaining to impugned order in Na.Ka.A2.3660.2024 dated 22.04.2025 passed by the respondent No.4 rejecting the petitioner's representation and quash the same and specifically direct the respondent



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No.4 to positively consider to add the name of his second wife Fathima as a nominee in his pension papers by deleting the name of his deceased first wife Visalatchi in the light of the Authorities reported in W.P.No.5706 of 2021.”

2. The petitioner would submit that he is a retired Office Assistant from the Elementary Education Office, Ariyalur, who superannuated on 31.07.2008. The case of the petitioner is that his first wife, Tmt.Visalatchi, was duly recorded as a nominee in his pension records. Unfortunately, she passed away on 25.06.2013.

3. The petitioner would submit that after the demise of his first wife and on the advice of elders, the petitioner married one Fathima on 18.01.2015, as per Hindu rites, in the presence of village elders. The petitioner has been suffering from various chronic health conditions, including kidney problems and diabetes. His sons from the first marriage, though well-settled, did not take care of him.



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4. The petitioner would submit that his second wife, Fathima, is the sole person who cares for him and is completely dependent on him for survival. To ensure her financial security, the petitioner submitted representations to the State Accountant Officer, District Collector, and Tahsildar, seeking to include his second wife, Fathima, as nominee for his pension benefits.

5. However, the 4th respondent passed an impugned order dated 22.04.2025 rejecting the request on the ground that the petitioner's name appeared in Tmt. Fathima's Aadhaar card in 1999, prior to the demise of his first wife. The petitioner would submit that the impugned order is arbitrary, illegal and contrary to the provisions of the Tamil Nadu Pension Rules, 1978. Therefore, the petitioner is before this Court.

6. Heard the learned counsels on the either side and perused the records.



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7. From a perusal of the records it is seen that the petitioner had married his second wife only after the death of his first wife. The application has been made only after the death of his first wife and not when his marriage with his first wife was subsisting. The fact that he has been living with his second wife even during the subsistence of his earlier marriage cannot be a ground for rejecting the request for entering the second wife's name as a nominee, particularly when the first wife is no more.

8. Therefore, the impugned order cannot be sustained and consequently the writ petition is allowed. The respondents are directed to include the name of the petitioner's second wife as nominee in the petitioner's pension papers by deleting his first wife's name Visalatchi, within a period of 4 weeks from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petition is closed. No costs.

13.03.2026

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