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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26-10-2026

CORAM

THE HON'BLE MR.JUSTICE N.DILIP KUMAR

WP(MD) No. 4908 of 2021
&
WMP (MD) No.3984, 3986, 3987 of 2021

CNR:{HCMD010194592021}

1. L. Janaki (DIED),
   W/o.Late.P.Laxmanan

P1. P.Suba,
   W/o.Panneer Selvam

P2. L.Manikandan,
   S/o.Late.Lakshmanan
(P1 and P2 are substituted vide court order dated 16.12.2025 in WMP(MD)No.27728 of 2025 in WP(MD)No.4908 of 2021 by RVJ)

..Petitioner(s)

Vs

1. The Chief Internal Audit Officer,
   Pension,
   Board Office / Audit Branch,
   Tamil Nadu Electricity Board,
   144, Anna Salai,
   Chennai-2.

2. The Superintending Engineer,
   Tirunelveli Electricity Distribution Circle,
   TANGEDCO,
   Tirunelveli,
   Tirunelveli District.

3. L. Rajeswari,
   W/o. Late. P. Laxmanan
   (R3 is impleaded vide court order dated.02.04.2024 in WMP(MD).5192/2021 in WP(MD).4908/2021 by LVGJ)

..Respondent(s)

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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for records relating to the impugned order passed by the 1st respondent in his proceedings in Letter No.044633/933/F8/ F82/2017 dated 25.11.2017 and quash the same as illegal and consequential to direct the respondents to authorize the family pension and other related pensionary benefits including the arrears of family pension within the period that may be stipulated by this Court.

For Petitioner(s): Mr.D.Gershon Gnana Paul

For Respondent(s): Mr.S.Arivalagan
for R1 and R2.
R3-Dismissed For Default
(vide Court Order Dt.15.07.2025)

ORDER

This writ petition is filed challenging the order passed by the 1st respondent dated 25th November 2017 and for a consequential direction to the respondents to authorize family pension to the writ petitioner.

2. Mr.D.Gershon Gnana Paul learned counsel for the petitioner would submit that she is the wife of Mr. P. Laxmanan, who was a retired Assistant Executive Engineer. Her husband retired on 31st May 2002 and died on 9th September 2017 and her husband had only furnished her name as a nominee in the pension book and accordingly, she alone is eligible to draw the family pension.

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3.However, in the order impugned, the respondent authorities had refused to grant family pension to the petitioner on the premise that the petitioner is admittedly a second wife of the deceased pensioner and a second wife under the applicable Pension Rule is not entitled to draw family pension.

4. She would submit that though her husband initially married one Tmt. L. Rajeswari,/ 3rd respondent and had a girl child through the first marriage, for all practical purposes, he recognized only the writ petitioner as his legally wedded wife and therefore the denial of family pension to the petitioner is arbitrary, more particularly in the light of the entry made by her husband that she alone is the eligible wife to draw family pension in his pension book. Accordingly, he prayed for allowing of the writ petition.

5. Per contra, Mr. S. Arivalagan, learned counsel appearing for the respondents 1 and 2 would submit that the writ petitioner even in the affidavit had admitted that she is only the second wife of the deceased pensioner. A second wife admittedly is not eligible to draw family pension during the lifetime of the first wife. When the first wife is very

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much available to draw family pension, the question of paying pension to the second wife is not legally sustainable. He accordingly prayed for the dismissal of the writ petition.

6. The facts are not in dispute. Mr. P. Laxmanan retired as an Assistant Executive Engineer on attaining the age of superannuation on 31st May 2002 and was receiving pension during his lifetime. He died on 9th September 2017.

7.The 3rd respondent Tmt. L. Rajeswari, is the first wife of the deceased pensioner and she alone is eligible to draw the family pension, as the widow of the deceased pensioner.

8. The impugned order is passed holding that the marriage of the petitioner with deceased Mr. P. Laxmanan was during the lifetime of the first wife and during the subsistence of a legally valid marriage and is therefore invalid and the petitioner cannot be recognized for drawing family pension. This Court is unable to find any infirmity in the order impugned.

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9. Accordingly, the writ petition stands dismissed.

10.The 2nd respondent is hereby directed to get appropriate application from the 3rd respondent for pension and shall process the same and pass appropriate orders within a period of four [4] weeks from the date of receipt of a copy of this order.

26-10-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
psa

To
1. The Chief Internal Audit Officer,
   Pension, Board Office / Audit Branch, Tamil Nadu Electricity Board,
   144, Anna Salai, Chennai 2

2. The Superintending Engineer
   Tirunelveli Electricity Distribution Circle, Tangedco, Tirunelveli,
   Tirunelveli District.

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N. DILIP KUMAR, J.
psa

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