



W.A.(MD)No.304 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.01.2026

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HONOURABLE MRS.JUSTICE R.KALAIMATHI

W.A(MD)No.304 of 2021

and

C.M.P(MD)No.1028 of 2021

M.Thangavel

... Appellant /
5th Respondent

Vs.

1.P.Saraswathy

... 1st Respondent/
Petitioner

2.The Controller,
Pension Scheme,
Tamil Nadu Agricultural University,
Coimbatore – 3.

3.The Registrar,
Tamil Nadu Agricultural University,
Coimbatore.

4.The Director,
Centre for Plant Protection and Studies
Tamil Nadu Agricultural University,
Coimbatore.

5.The Deputy Director,
Local Fund Audit,



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Centre for Plant Protection and Studies
Tamil Nadu Agricultural University,
Coimbatore.

... Respondents 2 to 5 /
Respondents 1 to 4

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 16.07.2019 made in W.P(MD)No.2507 of 2014 by allowing this Appeal.

For Appellant : No Appearance

For Respondents : Mr.PT.S.Narendravasan
for R.1

Mr.A.Thirumurthy
for R.2 to R.5

JUDGMENT

(Judgment of the Court was made by G.R.Swaminathan J.)

The learned counsel who filed this Writ Appeal reported no instructions yesterday. Hence, the matter was directed to be listed under the caption "for dismissal". Though the name of the appellant has been printed in the cause list, there is no appearance on his behalf. We, however, intend to dispose of this writ appeal on merits.

2.One Saraswathy, the first respondent herein filed W.P(MD)No. 2507 of 2014 for directing the appellant's employer to consider including



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her name as nominee in the service register for the purpose of pension and other terminal benefits. The writ petition was contested strongly by the appellant herein. The learned single Judge noted that the writ petitioner was the legally wedded wife of the appellant and that H.M.O.P.No.154 of 2002 filed by the appellant before the III Additional Sub Judge, Madurai suffered dismissal. It was further noted that the said order was not interfered with in HMCMA.No.13 of 2009 on the file of the I Additional District Judge, Madurai. It was further noted that the appellant herein filed C.M.S.A(MD)No.48 of 2011 and that the same was pending. In these circumstances, the writ petition was disposed of in the following terms:

“4.However, the fact remains that the wedlock between the fifth respondent and the writ petitioner continues and therefore, the respondents have no other option but to enter the name of the writ petitioner as the nominee. As per the pension rules in force, an employee cannot nominate any other persons other than the spouse in the service register. Spouse of the employee alone is entitled to get family pension. This being the concept of the scheme of family pension, the same cannot be denied to the writ petitioner in the absence of any valid decree of divorce granted by the competent Courts of law.



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5. Under these circumstances, the respondents 1 to 4 are directed to include the name of the writ petitioner as nominee for the purpose of family pension, subject to the outcome of the final order to be passed in CMSA No. 48 of 2011, now pending before the Madurai Bench of Madras High Court. ”

3. The learned counsel appearing for the employer now submitted that C.M.S.A(MD)No.48 of 2011 filed by the appellant was dismissed by this Court on 19.06.2024. In these circumstances, the order passed by the learned single Judge does not call for interference.

4. This Writ Appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [R.K.M, J.]
07.01.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
MGA

To

1. The Controller,
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G.R.SWAMINATHAN,J.

AND

R.KALAIMATHI, J.

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