



W.A(MD)No.285 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.03.2026

CORAM:

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR
and
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

W.A(MD)No.285 of 2026
and
C.M.P(MD)No.2935 of 2026

S.Rajalakshmi

... Petitioner

Vs.

1.The Chief Internal Audit Officer,
Board Office Audit Branch,
TANGEDCO,
O.P.K.P.R.Maligai-1st Floor,
144/800, Anna Salai,
Chennai-600 002.

2.The Superintendent of Engineer,
Virudhunagar Distribution Circle,
TANGEDCO,
Virudhunagar,
Virudhunagar District.

... Respondents



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PRAYER : Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 05.11.2024 in W.P.(MD)No.658 of 2023 on the file of this Court.

For Appellants	: Ms.S.Mamtha
For Respondents	: Mr.S.Arivalagan
	Standing Counsel

JUDGMENT

[Judgment of the Court was made by N.SATHISH KUMAR, J.)

This writ appeal is filed challenging the order of the learned Single Judge dated 05.11.2024 in W.P.(MD)No.658 of 2023, whereby the payment of pension to the writ petitioner /appellant was rejected.

2.The contention of the appellant is that the appellant is the second wife of an employee in TANGEDCO. He got married to the employee while the first wife of the employee was alive and with the consent of the first wife. After the death of the employee, the petitioner's request for family



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pension, was rejected by the authorities concerned. Challenge to the said rejection order before the writ Court has also been ended in dismissal of the writ petition. Aggrieved by the same, the appellant is before this Court.

3. Admittedly, the appellant is the second wife of the employee. Any marriage contracted during the existence of the first marriage is void under Section 5 of the Hindu Marriage Act. Further, the Pension Rules will come to the aid of the appellant, if the marriage is taken place before the commencement of the Hindu Marriage Act and not thereafter.

4. On a perusal of the order passed by the learned Single Judge, we are of the view that the learned Single after considering the law settled by this Court in the case of ***R.Rajathi vs. The Superintendent Engineer, TANGEDCO and another*** [(2018) 5 Mad LJ 385], has dismissed the writ petition holding that the writ petitioner, being a second wife to the employee, is not entitled to receive family pension. In the case referred above, the Division Bench held that applicability of Rule 49 7(a)(i) of the Tamil Nadu



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WEB Pension Rules is applied only to the cases, where second marriage is recognized or valid under Personal Law.

5. In such view of the matter, as the law has been well settled that the very contract of the second marriage is void under Personal Law, as a matter of right, the petitioner cannot claim family pension. Hence, we do not find any merits in this writ petition.

6. Accordingly, this writ appeal stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[N.S.K.,J.] [M.J.R.,J.]
09.03.2026

NCC : Yes / No
Index : Yes / No
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