

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**TUESDAY, THE SECOND DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE APARESH KUMAR SINGH
AND
THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN**

WRIT APPEAL NO: 603 OF 2025

Writ Appeal under clause 15 of the Letters Patent preferred against the order dated 05/03/2025 in the W P No 21514 of 2022 on the file of the High Court.

Between:

1. State of Telangana, Rep. by its Principal Secretary, Prohibition and Excise Department, Secretariat, Hyderabad.
2. The Commissioner, Prohibition and Excise Department, Hyderabad.
3. The Superintendent of Prohibition and Excise Department, Nagarkurnool Dist., State of Telangana.
4. The Principal Accountant General (A & E), District Treasury Officer, Mahaboob Nagar, Telangana.

...APPELLANTS/RESPONDENTS

AND

Smt G. Vijaya Lakshmi, W/o. Late G. Muralidhar Rao, Aged about 65 years,
Occ: House wife, R/o. H.No.7-118/A, Mytri Nagar, Dilshuknagar, Hyderabad.

...RESPONDENT/WRIT PETITIONER

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to condone the delay of (14) days in filing the present writ appeal against orders dated 07.06.2023 passed in W.P. No. 21514 of 2022, and the orders dated 05/03/2025 passed in Review Petition I.A. No.1 of 2024 in W.P. No. 21514 of 2022.

IA NO: 2 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to

suspend the operation of the orders dated 05-03-2025 IA NO 1 of 2024 passed in W. P. No. 21514 of 2022.

Counsel for the Appellant: GP FOR SERVICES I

Counsel for the Respondents: SRI G. RAVI MOHAN

The Court delivered the following: JUDGMENT

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND
THE HON'BLE SRI JUSTICE G.M.MOHIUDDIN**

WRIT APPEAL No.603 of 2025

DATE: 02.12.2025

BETWEEN:

State of Telangana, Rep. by its Principal Secretary, Prohibition
and Excise Department and 3 others.

....Appellants

AND

G.Vijaya Lakshmi

....Respondent

JUDGMENT:

The present Writ Appeal is filed by the State and its officials, who were arrayed as the respondents in W.P.No.21514 of 2022 (hereafter "appellants" for brevity), assailing the order of learned Single Judge dated 07.06.2023 in W.P.No.21514 of 2022 (which was confirmed by the order dated 05.03.2025 in a review application *vide* I.A.No.1 of 2024 in W.P.No.21514 of 2022). The learned Single Judge in the order dated 07.06.2023 directed the appellants to release the

family pension of Late G.Muralidhar Rao (hereafter "employee" for brevity) to the writ petitioner (hereafter "respondent" for brevity).

2. Heard Ms.B.Annapurna, learned Assistant Government Pleader for Services-I for the appellants; and Mr.G.Ravi Mohan, learned Senior Counsel appearing for the respondent, and perused the record.

Chronology of events and factual matrix (in brief) :

It is apposite to extract a brief chronology of dates and events for the proper appreciation of the controversy involved in the present case.

Sl. No.	Date	Event	Significance
1.	23.02.1974	The marriage of G.Muralidhar Rao (Employee) with Smt.G.Anantha Lakshmi.	As per the respondent and based on the judgment of VII Metropolitan Magistrate, Cyberabad in C.C.No.132 of 2006.
2.	26.12.1974	Marriage of the employee with the respondent.	As per the service records of the employee.
3.	2006	Smt.G.Anantha Lakshmi filed C.C.No.132 of 2006 under Section 498-A and 494 IPC against the employee and respondent.	Smt.G.Anantha Lakshmi alleges bigamy, for the first time.

4.	20.09.2007	Respondent was discharged from C.C.No.132 of 2006 under Section 494 IPC.	Expunges allegations of Bigamy against the respondent.
5.	27.10.2009	The learned VII Metropolitan Magistrate, Cyberabad acquitted the employee under Sections 498-A and 494 IPC.	Bigamy could not be established and the offence under Section 498-A IPC also was not made out.
6.	30.06.2010	Employee suffers an order of maintenance to Smt.G.Anantha Lakshmi.	-
7.	31.01.2014	Smt.G.Anantha Lakshmi expired.	-
8.	13.12.2019	Employee expired.	-
9.	25.01.2020	Application of the respondent for family pension of the employee.	-
10.	04.01.2021	Rejection of the application for family pension by the appellants.	-
11.	19.10.2020	Order in W.P.No.18384 of 2020 filed by respondent directing the appellants to consider the representation of the respondent to grant pension.	-
12.	11.11.2020	Fresh representation of the respondent.	-
13.	04.01.2021	Rejection of the representation of the respondent for grant of pension.	-
14.	April, 2022	Respondent filed W.P.No.21514 of 2022 challenging the rejection of claim of family pension and seeking relief of family pension.	-

15.	07.06.2023	The learned Single Judge allowed W.P.No.21514 of 2022 directing the appellants to release the family pension to the respondent.	-
16.	05.03.2025	The learned Single Judge dismissed the review application <i>vide</i> I.A.No.1 of 2024 in W.P.No.21514 of 2022 filed by the appellants.	-

3. The appellants have filed the present appeal aggrieved by the order dated 07.06.2023 passed in W.P.No.21514 of 2022, as confirmed by the order dated 05.03.2025 in review application *vide* I.A.No.1 of 2024.

4. The core dispute involved in the present proceedings is the claim for family pension by the respondent, the widow of G.Muralidhar Rao, a retired Prohibition & Excise Inspector (employee). The appellants rejected her claim on the ground that the respondent was the second wife of the employee.

5. The appellants contended that one Smt.G.Anantha Lakshmi was the legally wedded wife of the employee as declared by Criminal Court in C.C.No.132 of 2006, which was tried for the offences under Sections 498-A and 494 IPC. The appellants argue that the respondent's marriage with the

employee was void, in view of the subsisting marriage of the employee with Smt.G.Anantha Lakshmi. The appellants claim that the respondent cannot be considered as the legally wedded wife of the employee under Telangana Revised Pension Rules, 1980, as the employee married the respondent without the permission of the Government and during the subsistence of the first marriage, which is against the Hindu Marriage Act and also in violation of the applicable Conduct Rules.

6. The respondent argues that she is the only legally recognized wife in the employee's official service records throughout his career and as such, being the nominee of the employee, she is entitled for pension. The respondent further contends that she was discharged from the charge of bigamy under Section 494 IPC in C.C.No.132 of 2006; that mere grant of maintenance to Smt.G.Anantha Lakshmi does not confer to her status as the legally wedded wife of the employee.

7. Respondent further contends that in any event, she is the only surviving wife at the time of death of the employee, as Smt.G.Anantha Lakshmi already having expired. The learned Single Judge allowed the respondent's writ petition and directed the appellants to release the family pension of the

employee to the respondent. The appellants' review application was also dismissed *vide* order dated 05.03.2025, leading to the filing of the present writ appeal.

The contentions on behalf of appellants

8. The learned Assistant Government Pleader for Services-I contends that the order of the learned Single Judge is contrary to law and the rules, particularly, Section 5 of the Hindu Marriage Act which prohibits Bigamy. The learned counsel further contends that Rule 25 of the Telangana State Civil Services (Conduct) Rules, 1964 (for short "1964 Rules") prohibit the government servant from contracting a second marriage without permission from the Government. Learned counsel further refers to the executive instructions and circular memo dated 20.08.1991 and 11.09.1996 under the Pension Rules, which explicitly state that the family pension is not admissible to second wife, if the marriage was contracted without permission of the Government while the first wife was alive.

9. It is further contended that the judgment dated 27.10.2009 in C.C.No.132 of 2006 on the file of VII

Metropolitan Magistrate, Cyberabad conclusively declared Smt.G.Anantha Lakshmi as legally wedded wife of the employee and also declared her date of marriage with employee as 23.02.1974. Learned counsel contends that this finding, which is based on the witness' examination is binding and establishes that the respondent was married subsequently on 26.12.1974 and was thus the second wife; that the marriage of the respondent with the employee, while the marriage of Smt.G.Anantha Lakshmi with the employee was subsisting was therefore invalid.

10. Further, it is contended that the employee by entering only the name of the respondent in his service records as his wife suppressed the fact of his first marriage with Smt.G.Anantha Lakshmi and the pending criminal case from the department.

11. It is also vehemently contended by the learned Assistant Government Pleader for Services-I that the precedents relied upon by the learned Single Judge while allowing the writ petition filed by the respondent i.e., the judgment rendered by the High Court of Madras in **C.Sarojini Devi v. Director of**

Local Fund Audit and others¹, relying upon the judgment in ***S.Susheela @ Mary Margaret v. The Superintendent of Police and another***² are distinguishable. The learned counsel contends that in the aforesaid Judgments, there was no suppression of fact of contracting the second marriage and the said fact was disclosed. The employees had nominated their second wife, after the death of the first wife, in the said cases. However, in the present case, the employee nominated the respondent, while his first wife was still alive, by suppressing the said fact, and as such, the ratio laid down in the said cases relied upon by the learned Single Judge are neither relevant nor applicable to the present case.

12. According to the learned Assistant Government Pleader, the very fact that the employee continued to pay maintenance to Smt.G.Anantha Lakshmi, until her death in the year 2014 corroborates her status as the legally wedded wife of the employee. The learned Assistant Government Pleader basing on the above contentions prayed to set aside the order passed by the learned Single Judge.

¹ MANU/TN/0413/2020

² W.P.No.15806 of 2015 dated 18.06.2015

The contentions on behalf of respondent

13. The learned Senior Counsel appearing for respondent contended that the service records of the employee are of paramount importance. That in the service records of the employee, the name of the respondent was consistently recorded as his wife from the beginning of his service. The respondent was nominated as the person entitled to pension of the employee according to the service records, and the department has never objected it during the entire service tenure of the employee or until his death in the year 2019.

14. It is further contended that at the time of death of the employee on 13.12.2019, the respondent was the only surviving wife, as Smt.G.Anantha Lakshmi died in the year 2014. The learned Senior Counsel further contends that in arguendo, even if Smt.G.Anantha Lakshmi for some reason is considered to be the wife of the employee, Rule 50(6)(a)(i) of the Telangana Revised Pension Rules, 1980 (for short "1980 Rules"), provides that both the widows would be entitled to equal shares of the family pension which implies that in a scenario with more than one widow, both of them would be

::10::

entitled to the family pension. The relevant portion of the Rule is extracted as under:

Rule 50. Family pension -

(6)(a)(i) Where the family pension is payable to more widows than one, the family pension shall be paid to the widows in equal shares.

That on this very ground, the contention that the respondent is not entitled for the pension of the employee as she is the second wife of the employee, cannot be sustained. It is contended that after the demise of Smt.Aantha Lakshmi in the year 2014, the respondent as the only and surviving wife is entitled to the pension of the deceased employee.

15. It is further contended that the finding in the criminal case under Sections 498-A and 494 IPC was for the specific and limited purpose of whether the employee had treated Smt.G.Anantha Lakshmi with cruelty; and whether the employee or the respondent was guilty of bigamy. The respondent was discharged in the said case and the employee was also acquitted. The criminal Court judgment did not declare the respondent as the second wife. It is contended that the observation in the criminal case is not binding for the

purpose of determination of pension. It is contended by the learned Senior Counsel on behalf of the respondent that the contention of learned Assistant Government Pleader that the observation of criminal Court as to the factum of marriage of Smt.G.Anantha Lakshmi and the date of marriage being conclusive, in view of the observations of the judgment of the criminal Court, is completely misplaced and the argument is wholly untenable.

16. The learned Senior Counsel contended that respondent lived with the employee as his wife for over 45 years and was blessed with three children and she was universally recognized as the wife of the employee, in all the official records. The learned Senior Counsel further contended that after such a long period, the appellants cannot deny to the respondent, her rightful family pension on the premise that respondent is the second wife of the employee, more particularly in the absence of any conclusive material on record.

17. The learned Senior Counsel contended that the burden to prove that the respondent is not the legally wedded wife or that the respondent is second wife of the employee, whose marriage was contracted during the subsistence of the

marriage of the employee with Smt.G.Anantha Lakshmi, lies entirely on the department. And the department has miserably failed to discharge this burden with any evidence, much less conclusive evidence. The department has chosen to rely on the weak stand of ambiguous observations made by the criminal Court in a criminal case, which case has no bearing and which observation are neither determinative nor conclusive of the marital status of parties thereto or the dates of their respective marriages with the employee.

18. The learned Senior Counsel for the respondent supported the order of the learned Single Judge and submitted that being well reasoned, it does not call for any interference.

Analysis and reasoning

19. We have carefully considered the pleadings, material on record and the submissions of both sides. The pivotal issue is whether the respondent is entitled to family pension as the widow of the employee.

(i) The most crucial document in matters of service benefits is the service record of the employee and the nominations made by the employee in the service records. In

the present case, it is an admitted and undisputed fact that the service register of the employee never showed the name of Smt.G.Anantha Lakshmi at any point in his entire service as his wife.

(ii) The name of the respondent was consistently recorded as the wife of the employee in the service records right from the beginning of the service of the employee throughout his service.

(iii) The department all along accepted this declaration throughout the service of the employee and raised no objection and took no disciplinary action against the employee for the offence of bigamy during the life time of the deceased.

20. The appellants heavily rely on the observations made in the Judgment in C.C.No.132 of 2006 on the file of learned VII Metropolitan Magistrate, Cyberabad which reliance is completely misplaced for the following reasons.

(i) The observations of the criminal Court regarding the marriage of Smt.G.Anantha Lakshmi with the employee were made for the purpose and in the context of offence under Sections 498-A and 494 IPC. The order or the observations of

the criminal Court in a matter involving an offence under Section 498-A IPC are not a final and binding declaration of the marital status, for all purposes, particularly for the determination of entitlement under the Pension Rules.

(ii) The Judgment of criminal Court in C.C.No.132 of 2006 is not determinative of the date of marriage or as to, who is the first wife of the employee for the purpose of pension.

21. The standard of proof in a criminal Court is different from that of a civil matter. Moreover, the criminal Court did not declare the respondent as the second wife of the employee. The contemporaneous and determinative piece of evidence is the service record of the employee, which clearly shows the respondent as wife of the employee and the nominee for the purpose of pension.

22. The learned Single Judge has rightly placed reliance on the service records of the employee and the fact that the respondent was the only surviving wife at the time of employee's death.

23. The learned single Judge had correctly noted that as on the date of death of the employee, the respondent was the only

surviving wife. The reliance placed by the appellants on executive circular and memos which deny the pension to second wife have no relevance or application to the facts of the present case, when the status of the respondent being second wife itself is not conclusively established by any civil Court.

24. The appellants have failed to produce any conclusive evidence to prove that the respondent is not the legally wedded wife of the employee. The appellants have also failed to conclusively establish that the marriage of the respondent with the employee was void.

25. The Judgment relied by the appellants are undistinguishable of facts and was rightly held by learned Single Judge and the facts and circumstance of those cases were completely different as compared to the case in hand. Even in the case relied by the appellants, the underlying principle laid down is that long cohabitation leads presumption of marriage. And in the present case, the employee and the respondent lived together as husband and wife for over 45 years and had three children.

::16::

26. In view of the foregoing discussion and the reasons stated herein above, we do not find any error in the order of the learned Single Judge. The appellants have failed to make out any case warranting interference of this Court in the present appeal. The Writ Appeal is devoid of merits and is liable to be dismissed.

27. Accordingly, the Writ Appeal is dismissed. There shall be no order as to costs.

As a sequel, miscellaneous petitions, pending if any, stand closed.

**SD/-MOHD. ISMAIL
DEPUTY REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. Two CCs to GP FOR SERVICES I, High Court for the State of Telangana. [OUT]
2. One CC to SRI G. RAVI MOHAN, Advocate [OPUC]
3. Two CD Copies
BN
BS

HIGH COURT

DATED:02/12/2025

JUDGMENT

WA.No.603 of 2025



**DISMISSING THE WRIT APPEAL
WITHOUT COSTS**

6
Asu
30/12/25