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2nd wife has no claim to family pension: HC

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Mumbai: It's not just society that looks down on a second marriage. In tune with the laws of the land, the Bombay high court too has frowned on such relationships. In an important judgment, a division bench of the court recently held that a second wife has no claim over the family pension of a government employee.

The bench of Justices Ranjana Desai and Roshan Dalvi dismissed a petition filed by a Pune resident who had laid claim to the family pension of her "husband" after his death.

The petition was filed by Leelabai Bhegade who claimed to be the second wife of Vithal Bhegade, who had retired from the Pune Ordnance Factory in 1983. Bhegade died in 2000, followed by his first wife Laxmi in 2002. Leelabai then applied for the family pension, which was rejected by the government. The Central Administrative Tribunal (CAT) too dismissed her application and she ap-

proached the high court.

Advocate J M Tanpure contended that the ration card, as well as electoral rolls, showed Leelabai as Bhegade's second wife. Advocate S S Pakale, representing the Union government, cited a series of laws as well as provisions against bigamy. Most important was the Hindu Marriage Act enacted in 1955. Section 11 of the Act says a second marriage by a Hindu male during the lifetime of his first wife will be deemed null and void. Further, Rule 21 of the Central Civil Service (Conduct) Rules bars a government employee from entering into a second marriage when his/her spouse is still living.

Pakale also pointed out that the department of pension and pensioners' welfare had made it clear through one of its directives in 1987 that the second wife would not be entitled to family pension as a legally wedded spouse.

