

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2015

CORAM:

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

Writ Petition No.10979 of 2014 &
M.P.No.1 of 2014

S.Annapoorani

...Petitioner

Vs.

1.Tamil Nadu Electricity Board,
Rep., by its Chairman,
800, Anna Salai, Chennai - 600 002.

2.The Superintending Engineer,
Tamil Nadu Electricity Board,
Gobi Electricity Distribution Centre,
Coimbatore District.

3.Internal Audit Officer,
Tamil Nadu Electricity Board,
Board Office Audit Branch,
No.144, Anna Salai, Chennai -2.

...Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of mandamus, directing the respondents to pay the family pension to the petitioner (who being the widow of deceased employee Late K.K.Subramaniam) from 10.09.2012 being the date of death of deceased K.K.Subramaniam and to continue paying the family pension to the petitioner.

For Petitioner : Mr.V.Subramanian
for Mcgan Law Firm

For Respondents : Mr.P.R.Dhilipkumar

W E B I C O P Y
O R D E R

The petitioner is the widow of Thiru.K.K.Subramaniam, who was an employee of Tamilnadu Electricity Board. Thiru K.K.Subramaniam worked as Line Inspector. He originally married one Saraswathi. The said marriage was dissolved by decree dated 17.02.1995 in H.M.O.P.No.83 of 1994 on the file of the Subordinate Court, Tiruppur. It is the case of the petitioner that only after the said decree, Thiru.K.K.Subramaniam married her. The husband of the petitioner died on 10.09.2012. The petitioner obtained a Legal Heir Certificate from Tahsildar, Mettupalayam dated 22.10.2013. The petitioner submitted a representation requesting the respondents to pay her death benefits due to Thiru K.K.Subramaniam and continue to pay her family pension. Since the said representation was not considered, the petitioner has come up with this writ petition.

2. The second respondent in his counter affidavit contended that the marriage of the petitioner was on 08.03.1981 and as such, it was not recognised by the Electricity Board. The second respondent admitted the decree passed by the Subordinate Judge, Tiruppur dissolving the marriage of Thiru.K.K.Subramaniam with Saraswathi. The second respondent has taken up a further contention that the deceased K.K.Subramaniam has made nomination in favour of the petitioner and one Vignesh. However, in the representation submitted by the petitioner, the name of Vignesh was not found. The second respondent has accordingly explained the delay in considering the representation submitted by the petitioner.

3. Heard the learned counsel for the petitioner and the learned Standing Counsel on behalf of the respondents.

4. The petitioner has produced a copy of the decree dated 17.02.1995 in H.M.O.P.No.83 of 1994 to show that the marriage of Thiru. K.K.Subramaniam with Mrs.Saraswathi was dissolved by the Civil Court. The petitioner has also produced a copy of the Legal Heir Certificate dated 22.10.2013 issued by the Tahsildar, Mettupalayam declaring that the petitioner is the sole surviving legal heir of Thiru K.K.Subramaniam, who died on 10.09.2012. Since the revenue authority has declared the petitioner to be the sole legal heir of Thiru.K.K.Subramaniam and that the earlier marriage has already been dissolved by a decree of divorce, the second respondent cannot be heard to say that he would not recognise the certificate issued by the Tahsildar.

5. The second respondent is directed to consider and dispose of the representation dated 05.11.2013 submitted by the petitioner, for payment of pension and other benefits on merits and in the light of the Legal Heir Certificate issued by the Tahsildar, Mettupalayam. Such exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

6. The writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar
Dated:16.3.15

True Copy

Sub Assistant Registrar

To

1.Tamil Nadu Electricity Board,
Rep., by its Chairman,
800, Anna Salai, Chennai - 600 002.

2.The Superintending Engineer,
Tamil Nadu Electricity Board,
Gobi Electricity Distribution Centre,
Coimbatore District.

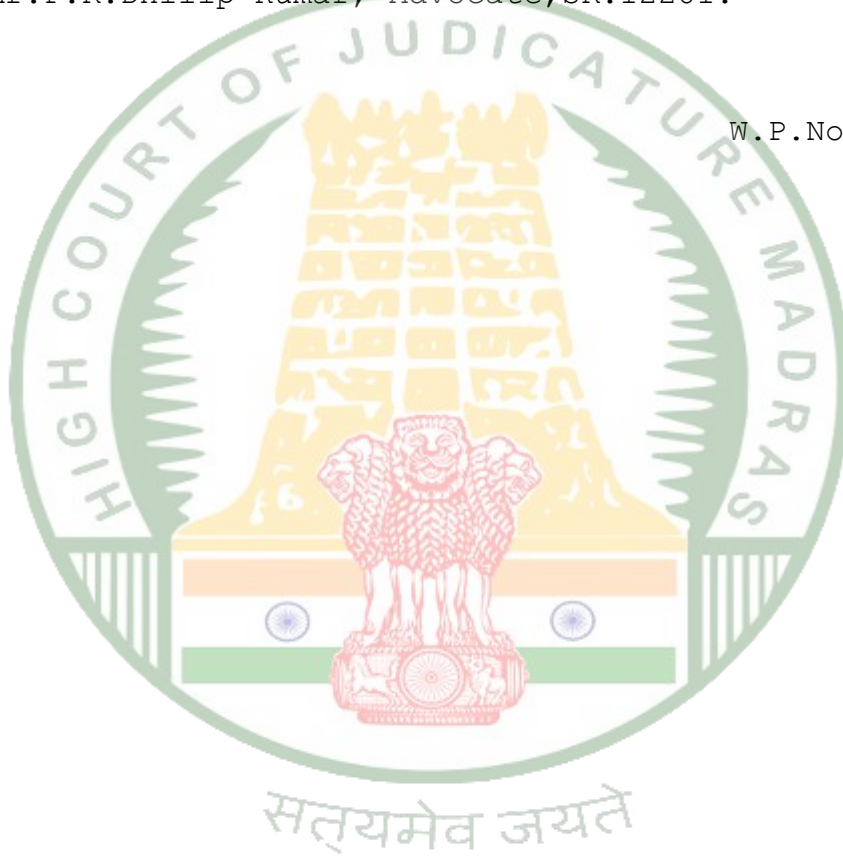
3.Internal Audit Officer,
Tamil Nadu Electricity Board,
Board Office Audit Branch,
No.144, Anna Salai, Chennai -2.

+1 cc to M/s.Mcgan Law Firm, Advocate,SR.12516

+1 cc to Mr.P.R.Dhilip Kumar, Advocate,SR.12281.

rv(co)
krd 30/3

W.P.No.10979 of 2014



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