

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02-09-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.27468 of 2015

and

M.P.No.1 of 2015

1.Fathima Jinnah
2.K.Jhagir Hussain

.. Petitioners

vs

1.The Superintending Engineer
(mechanical)/TANGEDCO
Mettur Work Shop Circle
Mettur Dam 636 401
2.The Chief Internal Audit Officer
TANGEDCO
Board Office/Audit Branch
No.144, Anna Salai
Chennai 2.
3.Chairman-cum-Managing Director
TANGEDCO
No.144, Anna Salai
Chennai 2.
4.S.Khaja Mohideen

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the first respondent to consider the representation dated 23.6.2015, and pass orders on it based on the proceedings in Ref.No.Permanent B.P (ch) No.245(SB) dated 29.8.1996.

For Petitioners : Mr.T.Arockia Dass
for M/s.Dass Law Associates

For Respondents : Mr.P.R.Dhilipkumar for RR1 to 3

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The deponent of the affidavit, who is the first petitioner, claims that she is the legally wedded wife of the fourth respondent, who worked as a Mechanical Grade-I, T.No.2342, in Mettur Workshop Circle, and he attained the age of superannuation on 30.6.2015, and the second petitioner is their son.

3.It is further stated by the first petitioner that since the fourth respondent has failed to maintain her as well as his son-second petitioner, who is having mental illness, she has filed I.A.No.10/2013 in POP No.2 of 2013, on the file of the Court of Subordinate Judge at Mettur, seeking interim maintenance at the rate of Rs.6,000/- per month and vide order dated 13.8.2014, the lower Court has awarded a sum of Rs.4,000/- per month to both of them and it has not been put to challenge.

4.The learned Counsel appearing for the petitioners, would submit that the fourth respondent, who has retired on 30.6.2015, is in receipt of pension and in the nomination form, he has failed to include the name of the son of the first petitioner and invited the attention of this Court to the orders issued by the Secretary in (Permanent) B.P. (Ch) No.245 (Secretariat Branch) dated 29.8.1996, wherein, it has been stated among other things, that in the case of existing pensioners, the names of the disabled/mentally retarded/handicapped children have to be included after duly observing the procedure mentioned in para 2 of the said order, and since the fourth respondent has not included the son of the first petitioner, who is having mental illness, the first petitioner has submitted a representation dated 22.6.2015, in this regard, and since no orders have been passed, the present writ petition has been filed.

5.The Court heard the submissions of Mr.P.R.Dhilipkumar, learned Standing Counsel, who accepted notice on behalf of the respondents 1 to 3, also.

6.This Court, in the light of the facts and circumstances, permits the first petitioner to submit one more representation to the respondents 1 to 3 by enclosing a copy of this order as well as a copy of her earlier representation along with the certificate evidencing that her son is suffering due to mental illness, within a period of two weeks from the date of receipt of a copy of this order and the respondents 1 to 3, on receipt of the same, are directed to consider it on merits and in accordance with law, after putting on notice, the fourth respondent and pass orders thereon within a period of four weeks thereafter and communicate the decision taken, to the first petitioner as well as to the fourth respondent. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To:

1.The Superintending Engineer
(mechanical)/TANGEDCO
Mettur Work Shop Circle
Mettur Dam 636 401

2.The Chief Internal Audit Officer
TANGEDCO
Board Office/Audit Branch
No.144, Anna Salai
Chennai 2.

3.The Chairman-cum-Managing Director
TANGEDCO
No.144, Anna Salai
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+1 cc to Mr.P.R.Dhilipkumar, Advocate, sr.47y355

W.P.No.27468 of 2015

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