

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.27629 of 2015

and

M.P.No.1 of 2015

Mrs.R.Jeyamani

... Petitioner

-Vs-

1.Tamil Nadu Generation & Distribution

Corporation Limited,

Rep. By its Chairman-cum-Managing Director,

N.P.K.R.R.Maligai, Audit Branch, 1st Floor,

No.144, Anna Salai, Chennai - 600 002.

2.The Chief Internal Audit Officer,

Tamil Nadu Generation & Distribution

Corporation Limited,

N.P.K.R.R.Maligai, Audit Branch, 1st Floor,

No.144, Anna Salai, Chennai - 600 002.

3.The Executive Engineer,

TANGEDCO, Perambalaur Town & District.

4.Mrs.Valliyammai

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1 to 3 to pay the petitioner family pension of her husband S.Ramar consequent to his demise on 30.12.2011 vide PPO No.48478 within the time to be stipulated by this Court.

For Petitioner : Mr.D.Ashokpathy
for M/s.Pass Associates

For Respondents : Mrs.R.Varalakshmi

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The petitioner would state that she was aware that her husband viz., Mr.S.Ramar, got married to one Valliyammai, as the 4th respondent herein in the year 1965 and out of wedlock, they got two sons and two daughters and she would further state that the marital

life between them was not happy. Accordingly, her marriage was arranged with S.Ramar, by the elders of both the family and accordingly the marriage was solemnized on 22.11.1999 at Madurai Veeran Koil, Arumbavur and out of the wedlock, a male child was also born. The petitioner would further state that the 4th respondent, first wife of her husband, started living separately and therefore, she and her husband has brought up the children of the 1st wife also and she has also filed a petition for maintenance under Section 125 Cr.P.C. in C.C.No.9 of 2000 on the file of Court of Judicial Magistrate, Perambalur and an order was passed granting maintenance to Valliyammai at the rate of Rs.400/- per month from 12.05.2000. It is also stated by the petitioner that her husband voluntarily retired on 31.03.2003 and a sum of Rs.3,80,000/- was paid as terminal benefits and out of which, she was paid a sum of Rs.2,50,000/- and out of the balance of Rs.1,30,000/-, the petitioner was paid a sum of Rs.80,000/- and the balance of Rs.50,000/- was retained by her husband and a release deed was executed relinquishing their future claim. The husband of the petitioner was also nominated him for receipt of family pension and he died intestate on 30.12.2011 and the petitioner also got a certificate issued by the Tahsildar, Perambalur stating that she and her son are the legal heirs of the deceased husband viz., Mr.S.Ramar, vide certificate dated 02.07.2013. The petitioner, after demise of her husband, was repeatedly corresponding to the respondent praying for payment of family pension and since no response is forthcoming, came forward to file this writ petition.

3. Learned counsel appearing for the petitioner has drawn the attention of this Court to the judgment dated 18.06.2015 made in W.P.No.15806 of 2015 and M.P.No.1 of 2015 (CDJ 2015 MHC 5158) and would submit that in similar facts and circumstances, this court by placing reliance upon a judgment of the Hon'ble Supreme Court of India, has passed a positive order directing the concerned official respondents to sanction family pension to the petitioner therein from the date of demise of her husband and since the petitioner is similarly placed, appropriate orders may be passed.

4. Heard the submissions of Mr.D.Ashokpathy, learned counsel appearing for the petitioner and Mrs.R.Varalakshimi, who takes notice on behalf of respondents.

5. Though the petitioner prayed for a larger relief, this Court, in the facts and circumstances, directs the 3rd respondent to consider and dispose of the petitioner's representation dated 02.01.2012 on merits and in accordance with law, after taking note of the above cited judgment and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

6. The Writ Petition is disposed of accordingly. No costs.
Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

vsm

To

1.The Chairman-cum-Managing Director,
Tamil Nadu Generation & Distribution
Corporation Limited,
N.P.K.R.R.Maligai, Audit Branch, 1st Floor,
No.144, Anna Salai, Chennai - 600 002.

2.The Chief Internal Audit Officer,
Tamil Nadu Generation & Distribution
Corporation Limited,
N.P.K.R.R.Maligai, Audit Branch, 1st Floor,
No.144, Anna Salai, Chennai - 600 002.

3.The Executive Engineer,
TANGEDCO, Perambalaur Town & District.

1 cc to M/s.Pass Associates , Advocate Sr.No.47570/15

1 cc to Mr. Mrs.R.Varalakshmi, Advocate Sr.No.47418/15

W.P.No.27629 of 2015

sv(co)

pmk.24.9.2015

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