



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2016

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

W.P (MD) No.17026 of 2014

WEB COPY

Baby Rajammal

... Petitioner

vs.

1)The Superintending Engineer,
Theni Electricity Distribution Circle,
TANGEDCO,
Theni.

2)The Chairman,
TANGEDCO, Annasalai,
Chennai.

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, by directing the respondents 1 and 2 to pay the family pension to the petitioner including the arrears from the month of April 2008.

For Petitioner : Mr.K.Govindarajan

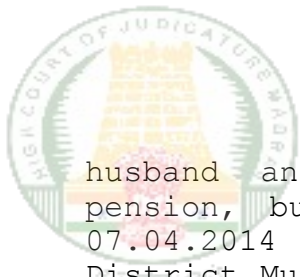
For Respondents : Mr.S.Dhayalan

ORDER

Baby Rajammal, wife of Late Ramasamy has come to this Court seeking issuance of a Writ of Mandamus, directing the respondents 1 and 2 to pay family pension to her including the arrears from the month of April 2008.

2.Learned counsel for the petitioner would submit that the petitioner's husband Late Mr.Ramasamy had worked in the Tamilnadu Electricity Board at Kandamanur Section Office under the control of the 1st respondent and retired from service on 30.06.1996. After his retirement, he has also received pension from the respondent under PPO.No.20178, but after sometime due to long illness, he died on 24.03.2008 at Okkaraipatti village, therefore, it is pleaded that after his demise, his wife/petitioner is entitled to receive family pension, but the respondents refused to pay the same, hence, she was constrained to file O.S.No.178 of 2011 on the file of the learned District Munsif, Andipatti, and obtained a decree of legal heirship which includes the petitioner, her daughters and two children begotten through one Parvathi who are Nagaraj and Vijaya. Although the petitioner's husband had affair with one Parvathi and got two children as mentioned above, the said Parvathi also died long time ago in 2006.

3.He would further submit that pursuant to the decree passed by the learned District Munsif, Andipatti, in O.S.No.178 of 2011, the Tahsildar of Andipatti also has issued a proper legal heirship certificate, mentioning all the names of the petitioner's children along with two children born through the said Parvathi. With this document, the petitioner made representations to the respondents 1 and 2 on 10.07.2014 and 31.07.2014 respectively, enclosing the death certificate of her



husband and legal heirship certificate seeking payment of family pension, but the respondents even after receipt of the decree dated 07.04.2014 passed in O.S.No.178 of 2011 on the file of the learned District Munsif, Andipatti, and the legal heirship certificate issued by the Tahsildar, Andipatti and other documents, refused to receive the same, therefore, he pleaded, a Mandamus should be issued to the respondents to pay family pension to the petitioner including the arrears.

4.A detailed counter affidavit has been filed. Learned standing counsel appearing for the respondents relying upon the counter affidavit would submit that the decree obtained by the petitioner in O.S.No.178 of 2011 on the file of the learned District Munsif cum Judicial Magistrate Court, Andipatti, clearly shows that she has got an ex parte decree on 07.04.2013 declaring the plaintiff and the defendants 1 to 5 therein as legal heirs of the deceased Ramasamy, therefore, he pleaded, the respondents are not able to accede to the request of the petitioner for grant of family pension.

5.But, this Court is not able to find any merit on the submission made by the learned standing counsel for the respondents. The reason is, when the petitioner has filed O.S.No.178 of 2011 on the file of the learned District Munsif cum Judicial Magistrate Court, Andipatti, and got a decree on 07.04.2014 declaring the petitioner namely, the plaintiff and defendants 1, 2 and 5 therein, as legal heirs of the deceased Ramasamy, pursuant to the said decree the Tahsildar, Andipatti, also has issued a legal heirship certificate on 08.07.2014, therefore, it could be easily ascertained that the civil court decree and the legal heirship certificate issued by the Tahsildar are clear that the petitioner is the legal heir of Late Ramasamy, hence, this Court has no hesitation to direct the respondents to pay her family pension.

6.Accordingly, the writ petition is allowed and respondents 1 and 2 are hereby directed to pay family pension to the petitioner from April 2008 along with arrears. The arrears of pension shall be paid within a period of three months from the date of receipt of a copy of this order and pension shall be paid every month to the petitioner without any default. No costs.

Sd/
Assistant Registrar(AS)

/TRUE COPY/

Sub Assistant Registrar

To

- 1)The Superintending Engineer,
Theni Electricity Distribution Circle,TANGEDCO,Theni.
 - 2)The Chairman,TANGEDCO, Annasalai,Chennai.
- +1cc to M/S.S.Dhayalan, Advocate in SR.No.33602
+1cc to M/S.K.Govindarajan, Advocate in SR.No.33422

W.P(MD)No.17026 of 2014
27.06.2016