



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.10.2016

CORAM:

THE HONOURABLE DR.JUSTICE **S.VIMALA****W.P (MD) No.20142 of 2016**

S.Sagunthala

: Petitioner

Vs.

1.The Chairman,
Tamil Nadu Electricity Board,
Chennai.

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

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to consider petitioner's representation dated 29.06.2016 and grant regular family pension in the light of the judgment and decree passed in O.S.No.72/2000 on the file of the District Munsif Court, Kovilpatti, confirming the civil death of the petitioner's husband within the time fixed by this Court.

For Petitioner : Mr.H.Arumugam

For Respondents : Mr.A.U.Ramanathan,
Standing Counsel for TNEB.**ORDER**

This writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 29.06.2016 and grant regular family pension in the light of the judgment and decree passed in O.S.No.72/2015 on the file of the District Munsif Court, Kovilpatti, confirming the civil death of the petitioner's husband.

2.Heard the learned counsel appearing for the petitioner and the learned Standing Counsel for TNEB, who took notice for the



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

3. The case of the petitioner is that the petitioner's husband Mr. Swaminathan was a retired Revenue Superintendent in the Tamil Nadu Electricity Board and he retired from service on 31.03.1997. After retirement, he was receiving retirement pension. But, he found missing from 04.02.2000. A case in Crime No.83 of 2000 came to be registered on 22.02.2000 on the file of Vellakovil Police Station. Since he has not been traced out, the police closed the case as the missing man was not-traceable. The second respondent after considering the missing of the husband of the petitioner, allowed minimum pension to the petitioner and granted the same by his proceedings, dated 13.08.2002. Thereafter, the petitioner made a request for grant of regular family pension and the same was declined even after the expiry of the statutory period of seven years, stating that it can be granted only after obtaining a decree from the Court of law, confirming the civil death. Accordingly, the petitioner filed a suit in O.S.No.72 of 2015 on the file of the District Munsif Court, Kovilapatti and the same was decreed on 14.09.2015 and in compliance of the decree, the Tahsildar, Kovilpatti has also issued Legal Heirship Certificate on 15.01.2016. Thereafter, on 29.06.2016, the petitioner has sent a representation to the first respondent, seeking grant of regular family pension, in the light of the Judgment and decree passed in O.S.No.72 of 2015. As the said representation was not considered, this writ petition has been filed.

4. The factual aspect of the case is not in dispute. In fact, the petitioner had been receiving minimum pension and only based on the civil death of her husband, the petitioner has made a claim for regular family pension. The Civil Court has also declared the civil death of the petitioner's husband, by Judgment dated 14.09.2015 and based on the same, Legal Heirship Certificate has also been issued by the Tahsildar, Kovilpatti. Under such circumstances, there is no impediment for the first respondent to consider the representation of the petitioner.

5. The learned Standing Counsel for TNEB would submit that it is agreeable for the first respondents to consider the representation of the petitioner and to pass appropriate orders within a period of four weeks.

6. Recording the submission made by the learned Standing Counsel for TNEB appearing for the respondents, the first respondent is directed to consider the representation of the petitioner dated 29.06.2016 in the light of facts discussed in para 4 supra and pass orders on merits and in accordance with law, of four weeks, from the date of receipt of a copy of this order.



7. With the above direction, this writ petition is disposed of.
No costs.

Sd/-
Assistant Registrar (CO)
/True copy/

WEB COPY

Sub Assistant Registrar

To

1. The Chairman,
Tamil Nadu Electricity Board,
Chennai.

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

+1 cc to M/s.H.Arumugam, Advocate in SR.No. 61574

smn

CSL/PV/15.11.2016: 3P/4C

ORDER MADE IN
W.P (MD) No.20142 of 2016
19.10.2016