



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2017

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CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A. [MD] .No.312 of 2017
and
C.M.P. (MD) .No.3160 of 2017

- 1.The Chairman,
Tamil Nadu Generation of Electricity &
Distribution Corporation,
Chennai.
- 2.The Supervising Engineer,
Tamil Nadu Generation of Electricity &
Distribution Corporation,
Sivagangai, Sivagangai. : Appellants/Respondent

Vs.

Valli : Respondent/Petitioner

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 29.07.2013 made in W.P.(MD).No.11789 of 2013, on the file of this Court.

Prayer in WP(MD) . 11789/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorari or Mandamus or any other order or direction in the nature of writ calling for the records of 2nd respondent proceedings f.vz;.04039/cepm epgp.2 ep.c.1 Nfh.fl;L/2013 dated 29.05.2013 and quash the same as illegal and also direct the 2nd respondent to sanction family pension to the petitioner with all arrears from the date of death of the petitioners husband .



For Appellants : Mr.S.Dhayalan
Standing Counsel

For Respondent : Mr.S.Muthukrishnan

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JUDGMENT

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

Heard Mr.S.Dhayalan, learned Standing Counsel appearing for the appellants and Mr.S.Muthukrishnan, learned counsel appearing for the respondent. By consent, the Writ Appeal is taken up for final disposal at the stage of admission itself.

2. This Writ Appeal by the Tamil Nadu Generation of Electricity and Distribution Corporation, is directed as against the order dated 29.07.2013 made in W.P.(MD).No.11789 of 2013.

3. The respondent/Writ Petitioner challenged the order passed by the second appellant herein dated 29.05.3013 and for a consequential direction to sanction family pension to the respondent with arrears from the date of demise of her husband.

4. The Writ Court, after having considered the statutory Rules, held that the rejection of sanction of family pension to the respondent/Writ Petitioner on the ground that the deceased employee did not nominate her to receive the family pension is untenable. Further, it was observed that the appellants are duty bound to consider the application of the respondent/Writ Petitioner for sanction of family pension in terms of Rules 49 and 76 of the Tamil Nadu Pension Rules 1978, applicability of which to the Employees of the Tamil Nadu Electricity Board has not been disputed. Accordingly, the Writ Petition was allowed with a direction to the second appellant herein to consider the representation of the respondent/Writ Petitioner dated 17.05.2013, in terms of the statutory provisions and sanction family pension due and payable to the respondent/Writ Petitioner from the date of demise of her husband.

5. The appellants, in this Writ Appeal, have reiterated the very same contentions, which were raised before the Writ Court and the Writ Court rejected the same, after having duly considered the statutory provisions, namely, the relevant Rules under the Tamil Nadu Pension Rules, 1978. Thus, the direction, in our considered view, issued by the Writ Court to the appellants to sanction family pension to the respondent/Writ Petitioner was in accordance with the statutory provisions. Therefore, we find that there is no error in the order passed by the Writ Court. Accordingly, the Writ



Appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

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/True Copy/

Sub Assistant Registrar

To

1.The Chairman,
Tamil Nadu Generation of Electricity &
Distribution Corporation,
Chennai.

2.The Supervising Engineer,
Tamil Nadu Generation of Electricity &
Distribution Corporation,
Sivagangai, Sivagangai District.

+1cc to Mr.S.Muthukrishnan, Advocate Sr.No.50476

NB

VB/JC/SAR4/17.04.2017/3P/4C

JUDGMENT MADE IN
W.A. [MD] .No.312 of 2017
04.04.2017