



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.07.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P (MD) No.12757 of 2017

WEB COPY

Saraswathi

... Petitioner

-vs-

1. The Internal Auditor, (Pension)
Auditing Branch, No.144, Annasalai,
Chennai-600 002.

2. The Supervising Engineer,
Tamil Nadu Electricity Board,
Madurai Distributing Circle,
Madurai-625 007.

... Respondent

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to consider petitioner's representation dated 11.05.2017 and directed the respondent to give family pension to the as a wife of the Jeyaraj who worked under the second respondent as a J.E. Gr.II and retired on 31.10.2010 and who died on 20.07.2014.

For Petitioner	: Mr.S.Balaji
For Respondent	: Mr.S.Dayalan, Standing Counsel for TNEB

O R D E R

The petitioner being the wife of late Jeyaraj, who worked in the office of the 2nd respondent Supervising Engineer, Tamil Nadu Electricity Board, Madurai Distributing Circle, Madurai, as Junior Engineer Grade II, has come to this Court seeking a Writ of Mandamus directing the Supervising Engineer, Tamil Nadu Electricity Board, Madurai Distribution Circle, Madurai to consider her representation dated 11.05.2017, with a further direction to give family pension.

2.The learned counsel for the petitioner would submit that the said request for family pension was rejected on the ground that Late Jeyaraj failed to give the requisite particulars with regard to his nominees, namely, his wife and legal heirs in the service records. On this basis, the request of the petitioner for payment of family pension was rejected, which is wholly untenable and unjustifiable, inasmuch as, the petitioner, after obtaining the legal heir certificate from the competent Revenue Inspector,



has produced the same showing that the petitioner being the wife and Vimala and Jeyakumar are the daughter and son of Late Jeyaraj respectively. Moreover, the petitioner has been shouldering the family responsibilities, after the demise of her husband, who worked as Junior Engineer Grade II in the office of the second respondent. Therefore, the second respondent, without rejecting the request of the petitioner for payment of family pension, should have considered the same, he pleaded.

3.The learned counsel for the respondents submitted that when Mr.Jeyaraj, while serving as Junior Engineer Grade II in the office of the second respondent till his retirement on 31.10.2010, he has not even come forward to register his nominee. Therefore, the respondents finding that no one was shown as his nominee, rejected the representation.

4. But, this Court is unable to accept the said contention for the following reasons:

The petitioner claims to be the wife of late Jeyaraj and she has produced the Death Certificate issued on 05.08.2014 by the Usilampatti Municipality, Madurai District, clearly showing that V.Jeyaraj, son of Mokkaiyan @ Veeranathevar. The Legal Heirs Certificate issued on 28.03.2015 by the Tahsildar, Usilampatti, specifically mentioned the petitioner/Saraswathi, Widow aged about 58 years is the wife of late Jeyaraj and also Vimala, Widow, aged about 32 years is the daughter and Vijayakumar, aged about 27 years, is the son of late Jeyaraj and Saraswathi. Therefore, there is no rival claim for the receipt of family pension and hence, the respondents are bound to consider the representation.

5. Moreover, the judgment and decree of the Trial Court in O.S.No.258 of 2014 has also given a declaration that the petitioner is the legally wedded wife of late Jeyaraj. Therefore, this Court finds no impediment to direct the respondents to consider the representation of the petitioner along with the Death Certificate dated 05.08.2014, Legal Heirs Certificate dated 28.03.2015 and judgment and decree of the learned District Munsif in O.S.NO.258 of 2014 dated 24.02.2015 within a period of six weeks from the date of receipt of copy of this order.

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

Sd/-

Assistant Registrar (Crl.Side)

/True copy/

Sub Assistant Registrar



To

1. The Internal Auditor, (Pension)
Auditing Branch,
No.144, Annasalai,
Chennai-600 002.

2. The Supervising Engineer,
Tamil Nadu Electricity Board,
Madurai Distributing Circle,
Madurai-625 007.

+1 CC to M/s.S.BALAJI, Advocate, SR No. 64595.

MRN/RR

PSM/MR-KKR/SAR1/26.07.2017/3P/4C

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