

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.04.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.8969 of 2018

and

W.M.P.No.10820 of 2018

Pappathi

..Petitioner

Vs

- 1.The Chief Engineer,
TANGEDCO,
No.800, Anna Salai,
Chennai.
- 2.The Chief Auditor,
TANGEDCO, First Floor,
No.800, Anna Salai,
Chennai.
- 3.The Chief Auditor,
TANGEDCO, (Distribution)
Tatabadh,
Coimbatore - 12.
- 4.The Superintending Engineer,
TANGEDCO,
Neelagiri Electricity Distribution Circle,
Aavin Milk Building, Ooty.
- 5.The Branch Manager,
Indian Overseas Bank,
Vellakovil,
Kangayam Taluk - 638 111.

6.Rani

..Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India to issue of Writ of Mandamus, directing the respondents 1 to 4 to grant family pension to the dependants along with arrears of the terminal benefits pertaining to the petitioner's son based on the representation dated 15.03.2018 given by the petitioner.

For Petitioner : M/s.M.Saravana Kumar

For Respondents : Mr.P.R.Dhilipkumar for R1 to R4

O R D E R

The relief sought for in this writ petition is for a direction to respondents 1 to 4 to grant family pension to the dependants along with arrears of the terminal benefits pertaining to the petitioner's son based on the representation dated 15.03.2018 given by the petitioner.

2.The learned counsel appearing on behalf of the writ petitioner states that the petitioner is the mother of the deceased Government employee, Sri.Samidurai, who served as Junior Engineer in the office of the 4th respondent Board. The present writ petition is filed by the mother of the deceased employee, seeking family pension. As per the provisions of the Tamil Nadu Pension Rules, the wife alone is eligible for family pension and the learned counsel for the petitioner now admits that the 6th respondent/ wife is receiving the family pension from the Board.

3.The grievances of the writ petitioner is that the 6th respondent deserted the children and now, they are in the custody of the writ petitioner and therefore, the portion of the family pension to be shared by the 6th respondent.

4.These all are the issues to be decided by the appropriate Court of law by adducing evidences and by producing documents and in respect of sharing of the family pension, no writ can be entertained and as per the rules, the wife alone is competent to get the family pension. In respect of the maintenance now claimed by the writ petitioner, the same is to be claimed before the appropriate forum in the manner known to law.

5.With these observations, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

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To

1.The Chief Engineer,
TANGEDCO,
No.800, Anna Salai,
Chennai.

2.The Chief Auditor,
TANGEDCO, First Floor,
No.800, Anna Salai,
Chennai.

3.The Chief Auditor,
TANGEDCO, (Distribution)
Tatabadh,
Coimbatore - 12.

4.The Superintending Engineer,
TANGEDCO,
Neelagiri Electricity Distribution Circle,
Aavin Milk Building, Ooty.

5.The Branch Manager,
Indian Overseas Bank,
Vellakovil,
Kangayam Taluk - 638 111.

+1cc to Mr.M.Saravanakumar, Advocate, S.R.No.27015

+1cc to Mr.P.R.DilipKumar, Advocate, S.R.No.27964

W.P.No.8969 of 2018

KAN (CO)

RRK (16/05/2018)

सत्यमेव जयते

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