



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.06.2018

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P(MD)No.13305 of 2018

and

W.M.P. (MD) No.12110 of 2018

S.Vasanth

... Petitioner

Vs.

1.The Superintending Engineer,
TANGEDCO,
Thoothukudi Electricity Distribution Circle,
Thoothukudi.

2.K.Mekala

... Respondent

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to disburse 50% of the death benefits of the Petitioner's deceased son Mr.Kathiresan, employed as Commercial Inspector in TANGEDCO, in the Assistant Engineer Office, at Udankudi Town to the petitioner and 50% to the 2nd respondent within the time fixed by this Court.

For Petitioners : Mr.V.S.Rishikesh

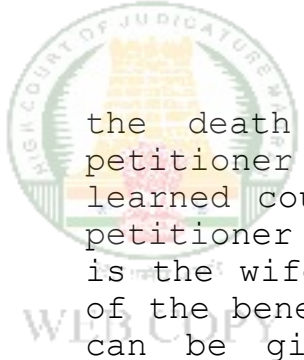
For Respondents : Mr.S.M.S.Johny Basha for R1

O R D E R

The prayer sought for in this writ petition is for a writ of mandamus, directing the first respondent to disburse 50% of the death benefits of her deceased son Mr.Kathiresan, employed as Commercial Inspector in TANGEDCO, in the Assistant Engineer Officer, at Udankudi Town to him and 50% to the 2nd respondent within the time fixed by this Court.

2.Heard Mr.V.S.Rishikesh, learned counsel appearing for the petitioner and Mr.S.M.S.Johny Basha, learned standing counsel appearing for the first respondent. Since no adverse order is going to be passed against the second respondent, notice to the second respondent is dispensed with.

3.The learned counsel appearing for the petitioner would submit that, the petitioner's son was working at the first respondent Corporation and he died in harness during his employment. However,



the death cum retirement benefits payable to the son of the petitioner has not so far been disbursed. In this regard, the learned counsel appearing for the petitioner would submit that the petitioner is the mother of the deceased and the second respondent is the wife of the deceased. Therefore, equal proportion i.e. 50% of the benefits can be given to the petitioner and the remaining 50% can be given to the second respondent. In this regard, the petitioner had given a representation on 02.03.2017. The same has so far not been considered by the first respondent. Therefore, the learned counsel appearing for the petitioner would submit that if the said representation is directed to be considered and an order to that effect is directed to be passed, within a time frame, the petitioner would be satisfied.

4.I have heard the learned standing counsel appearing for the respondents, who would submit that the representation of the petitioner dated 02.03.2017 would be considered on merits and in accordance with law and an order to that effect would be passed, of course, after hearing both the parties.

5.Considering the said submissions made by both sides, this Court is inclined to pass the following order:

"The first respondent is directed to consider the representation/application made by the petitioner dated 02.03.2017 and decide the same, on merits and in accordance with law, after hearing both the petitioner as well as the second respondent, by giving due notice to both of them. At any rate, needful shall be done and final order to be passed in this regard by the first respondent, within a period of eight weeks from the date of receipt of a copy of this order."

6.With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

The Superintending Engineer,
TANGEDCO,
Thoothukudi Electricity Distribution Circle,
Thoothukudi.

W.P (MD) No.13305 of 2018
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