



WEB COPY

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.03.2018

CORAM :

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P. (MD) .No.13582 of 2017

U.Govindammal

...Petitioner

Vs.

1.The Chief Internal Audit Officer,  
Audit Branch/TANGEDCO,  
NPKRR Maligai 1st Floor,  
144, Anna Salai,  
Chennai-600 002.

2.The Superintending Engineer,  
Tirunelveli Electricity Distribution Circle,  
TANGEDCO / TNEB,  
Tirunelveli-11.

3.K.Suresh Kumar

... Respondents

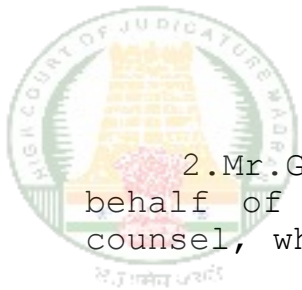
Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the first respondent in connection with the impugned orders passed by him vide his proceedings in Letter No.013666/422/F8/F82/PPo 82632/2016 dated 27.05.2016 as well as his proceedings in Letter No.048511/1213/F8/F82/PPo.No.82632/2016 dated 01.12.2016 and quash the both as illegal and arbitrary and consequently direct the petitioner to sanction the family pension of the petitioner's deceased husband based on the Marriage Certificate issued by the Sub-Registrar, Thondi and the Legal Heir Certificate issued by the Tahsildar, Kandarakottai Taluk, Pudukottai District within the time limit.

For Petitioner : Mr.G.Thalaimutharasu  
For Respondents : Mr.G.Kasinatha Durai for R1 & R2  
Mr.A.Arun Prasad for R3

ORDER

<https://hcservices.ecourts.gov.in/hcservices/>

By consent, the Writ Petition is taken up for final disposal.



2.Mr.G.Kasinatha Durai, learned counsel, who takes notice on behalf of the respondents 1 and 2 and Mr.A.Arun Prasad, learned counsel, who takes notice on behalf of the third respondent.

3.The petitioner's husband was employed in TANGEDCO. He passed away in the year 2015. The petitioner was getting family pension. That has been stopped following the objections raised by the third respondent.

4.The petitioner's husband Kalimuthu, was married to the mother of the third respondent. The third respondent was born to Kalimuthu through Pounammal. The said Pounammal was passed away in the year 1985. The petitioner has enclosed the Marriage Certificate dated 09.02.1987, in the typed set of papers. It is seen that the petitioner's marriage with the said Kalimuthu took place after the demise of the Pounammal. It is also seen that the petitioner's name was entered in the Service Records of the said Kalimuthu as nominee. Therefore, there is absolutely no justification in the objection raised by the third respondent. The employer should ignore the contention of the third respondent and disburse the family pension to the petitioner.

5.It is made clear that this Court has only pronounced upon the entitlement of the petitioner to receive family pension on account of demise of her husband. On other aspects, this Court has not pronounced anything on merits. The order impugned in the Writ Petition is therefore quashed.

6.The Writ Petition stands allowed accordingly. No costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub-Assistant Registrar

+1cc to Mr.G.THalaimutharasu, Advocate, SR.No.53524

+1cc to Mr.G.Kasinatha Durai, Advocate, SR.No.53166

tsg

RL/3C/2P/KK/SAR3/27/4/2017

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