



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 24.09.2018

CORAM:

THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

W.P. (MD) No.17484 of 2016

S.Murugeswari

.. Petitioner

Vs.

1.The Managing Director,
Tamil Nadu Power Generation and
Distribution Corporation,
Chennai.

2.The Superintending Engineer,
TANGEDCO,
Virudhunagar Distribution Circle,
Virudhunagar - 626 001.

3.The Executive Engineer (Distribution),
TANGEDCO,
Sivakasi Division,
Virudhunagar District.

4.The Assistant Engineer,
TANGEDCO,
Sathur Town Section,
Sathur,
Virudhunagar District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of CERTIORARIFIED MANDAMUS, to call for the entire records pertaining to proceedings of the 2nd respondent in Ka.No.011101/ NiPi2/ Uthavi3/ Ko.Iruthikala Panappalankal/2016 dated 19.07.2016 and Ka.No.012370/ NiPi2/ Uthavi3/Ko.Iruthikala Panappalankal/2016 dated 06.08.2016 and quash the same as illegal and against the Service Law and further direct the 2nd respondent to disburse the petitioner's husband's (K.Selvarajan) death cum retirement benefits and family pension in her favour, within a stipulated time limit.

For Petitioner : Mr.S.M.Anantha Murugan

For Respondents : Mr.G.Kasinathadurai
Standing Counsel

**ORDER**

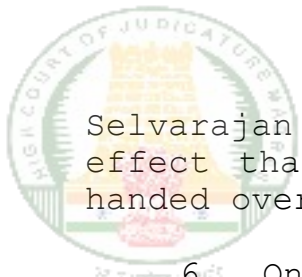
This writ petition has been filed seeking a Writ of Certiorarified Mandamus, to quash the impugned proceedings of the second respondent dated 19.07.2016 and 06.08.2016, respectively and to direct the second respondent to disburse the petitioner's husband's (K.Selvarajan) death cum retirement benefits and family pension, within a stipulated time limit.

2. Heard the learned Counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents.

3. According to the learned Counsel for the petitioner, the petitioner was the second wife of the deceased Selvarajan, who was employed as Foreman Grade - I in the respondents' Corporation. The learned Counsel for the petitioner would submit that the petitioner earlier married one V.Gandhiraj, who died on 29.06.1994. Out of the wedlock, a female child, namely, G.Kaleeswari born to them. Learned Counsel for the petitioner would further submit that (late) Selvarajan earlier married one Uma Maheswai, who died on 08.01.2006 and out of the wedlock, one Rishikumar born to them. Thereafter, the petitioner, being a widow, got married the said (late) Selvarajan on 10.09.2006 and out of this wedlock, a female child, namely Sakthi Sree born to them. In the meantime, the said Selvarajan died and therefore, the petitioner, being the legal heir of her husband, has made an application to the respondents seeking her husband's death cum retirement benefits and family pension. The grievance of the petitioner is that the second respondent, instead of disbursing the benefits, has called for some documents, which are not relevant and therefore, the present writ petition came to be filed.

4. When the matter came up for hearing today, it is represented by the learned Standing Counsel appearing for the respondents that as on date, a sum of Rs.23,60,210/- is payable to the legal heirs of the said (late) Selvarajan. He would further submit that according to the petitioner, she is a widow and got married (late) Selvarajan, who is a widower. But, there is no evidence to the fact that the marriage got registered. Learned Counsel would further submit that as per the records, the nominee is only Rishikumar, son of Selvarajan, born through his first wife and as such, the said Rishikumar alone is entitled for the said amount. The learned Standing Counsel further submitted that within a stipulated time frame, sanction order would be released, followed by which, amount would be paid.

5. At this juncture, the learned Counsel for the petitioner submitted that the petitioner, S.Murugeswari, is not having any objection in the entire amount being paid to Rishikumar, son of Selvarajan. It is further stated that in fact, the petitioner is taking care of the said Rishikumar, who born through the first marriage of the said Selvarajan. The learned Counsel for the petitioner further submitted that all the legal heirs of (late)



Selvarajan will file an affidavit before the authorities to the effect that they will have no claim over the amount which may be handed over to the said Rishikumar.

6. On a perusal of record, it is seen that the second respondent, vide the impugned proceedings, has called for certain documents, viz., marriage registration certificate and other particulars, so as to process the request of the petitioner, which cannot be found fault with and as such, there is no error in the impugned proceedings.

7. In view of the foregoing discussions, this Court, while declining to interfere with the impugned proceedings, directs the respondents to release the sanction order within a period of seven (7) working days from the date of receipt of a copy of this order and to settle the eligible amount to Rishikumar, son of (late) Selvarajan, born through his first marriage, within a further period of fifteen (15) working days, if there are no other legal impediments.

8. With regard to family pension, the petitioner will have to establish that she is the legally wedded wife of the said (late) Selvarajan and if any decree, obtained through an appropriate civil forum, is produced, it is open to the respondents to consider the same and sanction the pensionary benefits, including arrears. Rishikumar is aged above 25 years and hence, he may not be eligible for family pension.

9. With the above observations and directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

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+1CC to Mr.S.M.Anantha Murugan, Advocate, SR.No.86161

+1CC to Mr.G.Kasinathadurai, Advocate, SR.No. 86160

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GK

ES/SKN/RSK/SAR 4/05.10.2018/4P/7C