

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2019

C O R A M

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

Writ Petition No.10092 of 2018
and
W.M.P. No.12048 of 2018

C.Shanthi

... Petitioner

Vs.

- 1.The Chairman cum Managing Director,
Tamil Nadu Electricity Board,
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd., Anna Salai,
Chennai - 600 002
- 2.The Superintending Engineer(O&M)
Tamil Nadu Electricity Board,
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd.,
Kallakurichi - 606 202, Villupuram District.
- 3.The Executive Engineer(O&M)
Tamil Nadu Electricity Board,
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd.,
Kallakurichi - 606 202, Villupuram District.

4.Shanthi

... Respondents

PRAYER Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 3 to consider and pass orders on merits by disposing the written representation made by the petitioner on 21.03.2018 within a stipulated time.

For Petitioner : Mr.C.Prakasam
For Respondents : Mr.Fakkir Mohideen [For R1 to R3]

O R D E R

The relief sought for in the present writ petition is for a direction to direct respondents 1 to 3 to consider and pass orders on merits by disposing the written representation made by the petitioner on 21.03.2018.

2. The learned counsel for the writ petitioner states that the husband of the writ petitioner, namely, Chinnaiyan, was working as Lineman in the Tamil Nadu Electricity Board and died on 10.12.2017.

3. The learned counsel for the respondent states that the writ petitioner is the second wife of the deceased employee and marriage between the deceased employee and the writ petitioner was solemnized during the life time of the first wife. Thus, the marriage between the deceased employee and the writ petitioner has become null and void. In this view of the matter, this writ petitioner is not entitled to claim the pensionary benefits as per the Pension Rules in force.

4. The learned counsel for the writ petitioner urged this court by stating that the respondents may be directed to consider the representation submitted by the writ petitioner and let the respondents take any decision and pass orders.

5. This 'dispose of the representation' mantra is increasingly permeating the judicial process in the High Courts and the Tribunals. Such orders may make for a quick or easy disposal of cases in overburdened adjudicatory institutions. But, they do no service to the cause of justice. The litigant is back again before the Court, as this case shows, having incurred attendant costs and suffered delays of the legal process. This would have been obviated by calling for a counter in the first instance, thereby resulting in finality to the dispute".

6. This Court is of the considered opinion that if at all the children of the writ petitioner are entitled to claim the same as legal heirs they have to adjudicate the issue before the competent Court of law and thereafter, approach the authorities for the purpose of disbursement of the terminal and other benefits. This Court being the factum, the writ petitioner has not established even a semblance of right so as to consider the relief as such sought for in this writ petition.

7. Accordingly, this writ petition is devoid of merits and stands dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

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To

1.The Chairman cum Managing Director,
Tamil Nadu Electricity Board,
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd., Anna Salai,
Chennai - 600 002

2.The Superintending Engineer(O&M)
Tamil Nadu Electricity Board,
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd.,
Kallakurichi - 606 202, Villupuram District.

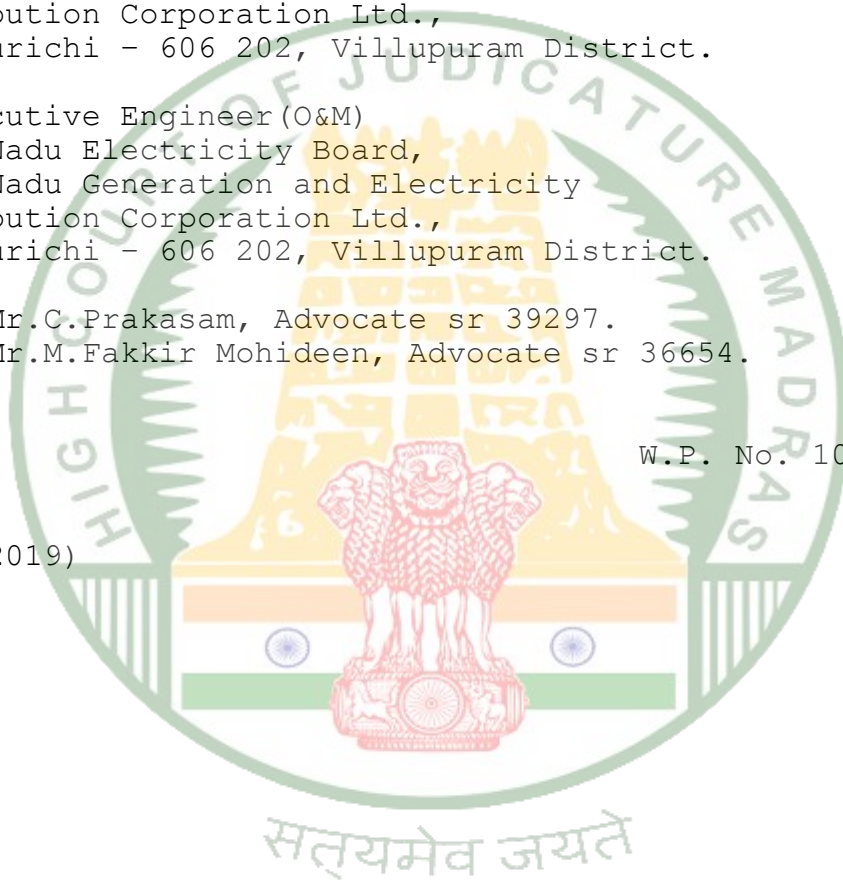
3.The Executive Engineer(O&M)
Tamil Nadu Electricity Board,
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd.,
Kallakurichi - 606 202, Villupuram District.

+1 CC to Mr.C.Prakasam, Advocate sr 39297.

+1 CC to Mr.M.Fakkir Mohideen, Advocate sr 36654.

W.P. No. 10092 of 2018

LN(CO)
SP(08/05/2019)



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