

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :07.02.2019

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

W.P.No.3654 of 2019

P.Thangavel

..Petitioner

vs

1.The Executive Engineer(O&M)
TANGEDCO(TNEB)
Chennimalai Road
Kangayam - 638 701

2.The Assistant Engineer(O&M)
TANGEDCO(TNEB)
Ellappalayam Pudur
Kouvai (Post)
Kangayam(Taluk)
Thiruppur (District)

3.Tamilmani

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents 1 & 2 from disbursing the Gratuity, Provident Fund, Death cum retirement benefits and all other monetary benefits of the petitioner's deceased daughter to Jyothimani to the 3rd respondent and consequently direct the respondents 1 and 2 to disburse the Gratuity, Provident Fund, Death cum Retirement benefits and all other monetary benefits to the petitioner.

For Petitioner : M/s.N.Umapathi

For Respondents : Mr.P.R.Dhilipkumar
Standing counsel for Electricity Board
(For R1 & R2)

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O R D E R

The relief sought for in the present writ petition is for a direction to forbear the respondents 1 & 2 from disbursing the Gratuity, Provident Fund, Death cum retirement benefits and all other monetary benefits of the petitioner's deceased daughter to Jyothimani to the 3rd respondent and to direct the respondents 1 and 2 to disburse the Gratuity, Provident Fund, Death cum Retirement benefits and all other monetary benefits to the petitioner.

2.The learned counsel for the writ petitioner is unable to establish that the respondents 1 & 2 has passed any orders granting the said benefits in favour of the 3rd respondent. This apart, the writ petitioner is not having any evidence to show that at least the process has been initiated in this regard.

3.In the absence of any such evidence, this Court is of an opinion that the writ petitioner cannot be construed as an aggrieved person and consequently, no cause of action has been established, so as to consider the relief as such sought for in the present writ petition. Mere apprehension that the Department may take steps to settle the benefits in favour of the 3rd respondent would not provide any right for the writ petitioner to move the present writ petition. It is not only the apprehension, there is not even a semblance of cause aroused for the purpose of moving the present writ petition.

4.Thus, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kak

+1cc to Mr.P.R.Dhilipkumar, Advocate, S.R.No.11129

W.P.No.3654 of 2019

NRL (CO)

rrs 06/03/2019

सत्यमेव जयते

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