

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2019

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.8847 of 2019

Menaka

... Petitioner

Vs.

1.The Chief Engineer/Personnel,
Tamil Nadu Generation and Distribution Corporation,
No.144, Anna Salai,
Chennai - 2.

2.The Chief Internal Audit Officer,
Tamil Nadu Generation and Distribution Corporation,
No.144, Anna Salai,
Chennai - 2.

3.The Superintending Engineer,
Chennai Electricity Distribution Circle/South,
No.119, KV Sub-Station, K.K.Nagar,
Chennai.

4.A.Shanmugam

5.A.Prabhu

6.A.NandhaKumar

7.A.Dhasarathan

8.A.Jayakumar

9.Kumutha

10.Preetha

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to sanction the family pension and other benefits due to the petitioner on account of demise of her

husband (late) Thiru.K.Arunachalam, on 09.06.2018, on the basis of the judgment and decree dated 10.10.2017, passed in O.S.No.9 of 2012 on the file of the District Munsif Court, Ponneri.

For Petitioner : Mr.S.N.Ravichandran

For R1 to R3 : Mr.P.R.Dilip Kumar
Standing Counsel

O R D E R

The writ petition has been filed for issuance of a writ of mandamus, directing the respondents to sanction the family pension and other benefits due to the petitioner on account of demise of her husband (late) K.Arunachalam, on 09.06.2018, on the basis of the judgment and decree dated 10.10.2017, passed in O.S.No.9 of 2012 on the file of the District Munsif Court, Ponneri.

2.The case of the petitioner is that the petitioner is the legally wedded wife of late K.Arunachalam, who was working as Line Inspector in the office of the Assistant Engineer (O&M), TANGEDCO, Nanganallur. While he was in service, the petitioner's husband had a paramour, namely, Lakshmi. Despite several panchayats, mediations, the petitioner's husband did not come forward to live with the petitioner and he retired on 31.08.2011. After desertion, the petitioner and her family was put to most penurious circumstances. Even fulfillment of basic daily needs became a hard struggle for them. Hence, the petitioner filed W.P.No.27866 of 2011 to withhold the terminal benefits payable to K.Arunachalam. This Court granted interim injunction on 02.12.2011. Subsequently, the writ petition was dismissed by this Court, by holding that the terminal benefits are the property of the pensioner and as such, no one can claim right over it. Hence, the petitioner filed a suit in O.S.No.9 of 2012 before the District Munsif's Court, Ponneri, for declaration and injunction and by judgment and decree dated 10.10.2017, the suit was decreed in favour of the petitioner. While so, the petitioner's husband, K.Arunachalam, fell ill and the said Lakshmi, took no care of him and only the petitioner and her sons took adequate care of K.Arunachalam. Thereafter, he died on 09.06.2018. After the demise of the petitioner's husband, the monthly pension of late K.Arunachalam was deposited in his account, however, the same was withdrawn by the said Lakshmi. Hence, the petitioner sent a legal notice dated 19.10.2018 to the respondent Board for grant of family pension to the petitioner and due to the inaction of the respondent Board on the representation of the petitioner in the form of

legal notice, the petitioner is constrained to move this writ petition.

3.Heard learned counsel appearing for the petitioner and learned Standing Counsel, appearing for the respondent Board.

4.Considering the facts and circumstances of the case and the submissions made by the learned counsel on either side, it would suffice, if a direction is issued to respondents 1 to 3 to consider the request made by the petitioner through her legal notice dated 19.10.2018 and pass orders on its own merits and in accordance with law, as expeditiously as possible, in any event, not beyond a period of twelve weeks from the date of receipt of a copy of this order.

5.With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

To

- 1.The Chief Engineer,
Tamil Nadu Generation and Distribution Corporation,
No.144, Anna Salai,
Chennai - 2.
- 2.The Chief Internal Audit Officer,
Tamil Nadu Generation and Distribution Corporation,
No.144, Anna Salai,
Chennai - 2.
- 3.The Superintending Engineer,
Chennai Electricity Distribution Circle/South,
No.119, KV Sub-Station, K.K.Nagar,
Chennai.
- 4.The District Munsif,
Ponneri.

+1cc to Mr.P.R.Dilip Kumar, Advocate sr.94313
+1cc to Mr.S.N.Ravichandran, Advocate sr.94696

W.P. No.8847 of 2019

nr 15/11/2019

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