

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2019

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.8800 of 2018

and

WMP.No.10671 of 2018

V.K.Ambujam

...Petitioner

Vs

1. The Chairman,
TANGEDCO,
Tamil Nadu Generator Distribution
Company Ltd,
No.144, Anna Salai, Chennai - 2.
2. The Superintending Engineer,
TANGEDCO,
Tamil Nadu Generator Distribution
Company Ltd,
Chennai Development Circle,
A-10, Thiru.Vi.Ka.Industrial Nagar,
Guindy, Chennai - 600 032.
3. The Chief Internal Audit Officer (Pension),
Audit Branch,
No.144, Anna Salai, Chennai - 2.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ or order or orders or direction particularly in the nature of Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent pertaining to his proceedings in letter No.001063/SE/CDC/Nir.Me./A.Section dated 06.09.2017 and the 3rd respondent in letter No.001864/44/F.5/F.53/2018 dated 2301.2018 and quash the same and consequently direct the respondents herein to grant and pay Family Pension and all other monetary benefits to the petitioner in view of the death of her husband Late K.P.Prabhakaran (PPO No.24424).

For Petitioner : Mr.G.Arul Murugan
For Respondents : Mr.P.R.Dhilip Kumar
Standing Counsel for EB

O R D E R

The relief sought for in the present writ petition is to quash the rejection order rejecting the claim of the writ petitioner for grant of family pension.

2. The learned counsel appearing on behalf of the writ petitioner states that, the husband of the writ petitioner Late Shri.K.P.Prabhakaran was employed as Foreman in the respondent, Tamil Nadu Generator Distribution Company Ltd and retired from service on attaining the age of superannuation on 31.03.1997. The husband of the writ petitioner was receiving pension till the date of his death on 08.04.2015. After the demise of the husband of the writ petitioner, she made a representation to the 3rd respondent on 26.09.2016 to sanction the family pension and other benefits.

3. The writ petitioner has enclosed the death certificate as well as the legal heir certificate. The respondents had not considered the claim of the writ petitioner on the ground that, the deceased employee had not submitted Form-III stating the writ petitioner as his wife and therefore the writ petitioner has not been nominated by the deceased employee. Citing this reason, the claim of the writ petitioner for grant of family pension is not considered.

4. It is contended by the learned counsel for the writ petitioner that there is no counter claim in respect of the family pension. This apart, the writ petitioner is the legally wedded wife of the deceased employee and she submitted the death certificate and legal heir certificate to the Competent Authorities. In the absence of any counter claim and the writ petitioner has produced all the relevant certificates, the wife alone is entitled to get family pension as per the Family Pension Rules. Thus, the name of the writ petitioner has not been nominated in the service register by the deceased employee cannot be a ground to deny the family pension under the Family Pension Rules.

5. The reasons for the omission is not known to the writ petitioner. The same would have been occurred inadvertently or by way of an omission on the part of the husband of the writ petitioner. However, the right of the writ petitioner for family pension under the Family Pension Rules cannot be denied. The writ petitioner has established that she is the legally wedded wife of the deceased employee by producing necessary death certificate and legal heir certificate. If at all the respondents having any doubt in respect of the legality of the marriage, they are at liberty to conduct an enquiry. However,

the benefit of family pension cannot be denied.

6. This being the factum, the respondents are bound to conduct personal enquiry, verifying the documents produced by the writ petitioner for grant of family pension and based on the enquiry, decision shall be taken to consider the case of the writ petitioner for grant of family pension in accordance with the Rules in force. The said exercise of conducting an enquiry and passing the revised order is to be done by the 2nd respondent, within a period of 12 weeks from the date of receipt of a copy of this order. Consequently, the impugned order already passed by the 2nd respondent in proceedings No.001063/SE/CDC/Nir.Me./A.Section dated 06.09.2017, stands quashed.

7. Writ petition stands allowed. No Costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

Pkn

To

1. The Chairman,
TANGEDCO,
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3. The Chief Internal Audit Officer (Pension),
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+1 CC to Mr.G.Arul Murugan, Advocate sr 33947

+1 CC to Mr.P.R.Dhilip Kumar, Advocate sr 34415.

W.P.No.8800 of 2018

BR(CO)
SP(29/04/2019)