

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.No.6109 of 2012

Thenmozhi

.. Petitioner

Vs.

1.The Chairman,
TNEB Ltd.,
Mount Road, Chennai 600 002.

2.The Chief Superintendent Engineer,
TANGEDCO,
Anna Nagar,
Chennai.

3.Glory

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 and 2 to consider the representations of the petitioner dated 12.12.2011 and 03.02.2012 and not to disburse any amount to the 3rd respondent without following the procedure established by law.

For Petitioner : Mr.G.Thyagarajan

For RR1 & 2 : Mr.K.Venkatesh
for M/s.P.R.Dhilipkumar

For R3 : Mr.Balasubramanian
for M/s.D.Lakshmipathy

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O R D E R

The Writ Petition is filed for a direction to the respondents 1 and 2 to consider the representations of the petitioner dated 12.12.2011 and 03.02.2012 and not to disburse any amount to the 3rd respondent without following the procedure established by law.

2.According to the petitioner, her late husband Babu approached her, when she was 20 years, for marriage and the

petitioner has consented for the same. Only after marriage, the petitioner came to know that her husband was already married to 3rd respondent and is having a family in his village. In the wed-lock, two children were born to the petitioner and her husband. The petitioner and 3rd respondent are having cordial relationship. The petitioner's husband died while in service due to electrocution. The cremation was conducted by both the petitioner as well as 3rd respondent. The petitioner's son performed ceremonies as per the Hindu customs. The 3rd respondent assured the petitioner that both can share the terminal benefits and other benefits payable to their husband by the respondents 1 and 2 equally as petitioner also lived as wife of late Babu and two children were born in the wed-lock. Contrary to the said assurance, the 3rd respondent did not share the amount of Rs.1.5 Lakhs disbursed by the employer and Rs.2 Lakhs by the Insurance Company. The petitioner came to know that the respondents 1 and 2 disbursed the gratuity payable to her husband to the 3rd respondent. The petitioner met the 2nd respondent twice and gave representation for compassionate appointment. She has produced all documents and requested the 2nd respondent to pay the death benefits to her and children and to give appointment on compassionate ground. No order was passed on the representation. Hence, the petitioner has come out with the present Writ Petition.

3. Heard the learned counsel appearing for the petitioner, respondents 1 and 2 as well as the 3rd respondent and perused the materials available on record.

4. The learned counsel appearing for the petitioner contended that the petitioner is without any means to maintain herself and her children. The petitioner is entitled to death benefits of her late husband and also entitled to be considered for appointment on compassionate ground. The learned counsel appearing for the 3rd respondent contended that the 3rd respondent is having three children and 3rd respondent has no objection to give all the terminal benefits, except insurance amount, to the petitioner and she has already given representation to the respondents 1 and 2 for appointment on compassionate ground to her.

5. Considering the limited relief sought for in the Writ Petition, it is suffice to direct the respondents 1 and 2 to consider the representation given by the petitioner on merits in accordance with law, after affording an opportunity of personal hearing to the petitioner as well as to the 3rd respondent. The petitioner and 3rd respondent are directed to furnish a copy of the representation and all supporting documents along with copy of this order within a period of four weeks from the date of receipt of a copy of this order. On receipt of such

representation, the 2nd respondent is directed to consider and pass orders on the representation within a period of eight weeks thereafter.

6. With the above direction, this Writ Petition is allowed.
No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

gsa
To

1. The Chairman,
TNEB Ltd.,
Mount Road, Chennai 600 002.
2. The Chief Superintendent Engineer,
TANGEDCO,
Anna Nagar,
Chennai.

+1 CC to Mr. G. Thyagarajan, Advocate sr 76588
+1 CC to Mr. P. R. Dhilip Kumar, Advocate sr 75952.
+1 CC to Mr. S. Bala Subramanian, Advocate sr 75464.

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PVS (CO)
SP(19/11/2019)

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