

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 07.02.2019
CORAM
THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.3732 of 2018

S.Leela

...Petitioner

Vs

1. The Chairman,
TANGEDCO,
No.144, Anna Salai,
Chennai-2.

2. The Superintending Engineer,
TANGEDCO,
Coimbatore Electricity Distribution Circle,
Coimbatore Metro,
Coimbatore-12.

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 vide letter No.012832/217/Ni.Pi 2/Vu2/Co.Retirement/17 dated 03.04.2017 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 L.Govindaraj.

For Petitioner

:Mr.G.Arulmurugan

For Respondents 1 - 3: Mr.P.R.Dhilip Kumar

WEB COPY
O R D E R

The order impugned dated 03.04.2017, issued by the 2nd respondent declining the claim of the writ petitioner's sanctioned family pension is under challenge in the present writ petition.

2. The learned counsel for the writ petitioner states that the writ petitioner is legally wedded wife of Late.L.Govindaraj and who was an employee in the respondent Corporation as Accountant. The husband of the writ petitioner after his retirement was received a pension and passed away on 01.10.2015, on account of the death of the husband of the writ petitioner, she made an application for grant of family pension in accordance with the pension rules. The respondents passed an order stating that the name of the writ petitioner has not been entered as nomination in the pension proposal submitted by the deceased employee and therefore, the case of the writ petitioner cannot be considered.

3. The writ petitioner has produced the legal heir certificate obtained from the Competent Authorities. The legally wedded spouse of the public servant is entitled to get family pension in accordance with the pension rules in force. Even in the case of the absence of nomination, the Authorities have to conduct an enquiry and ascertain the legal validity of the marriage and identify the wife of the deceased employee.

4. In the event of establishing the fact that the writ petitioner is legally wedded wife of the deceased employee, certainly she would eligible to get family pension. Even otherwise, in the absence of any counter claim from any other person claiming the family pension, the case of the writ petitioner is to be considered. In view of the matter, the respondents are bound to conduct a 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.

5. 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. Accordingly, the writ petition stands disposed of. No Costs.

WEB COPY

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

Pkn

To

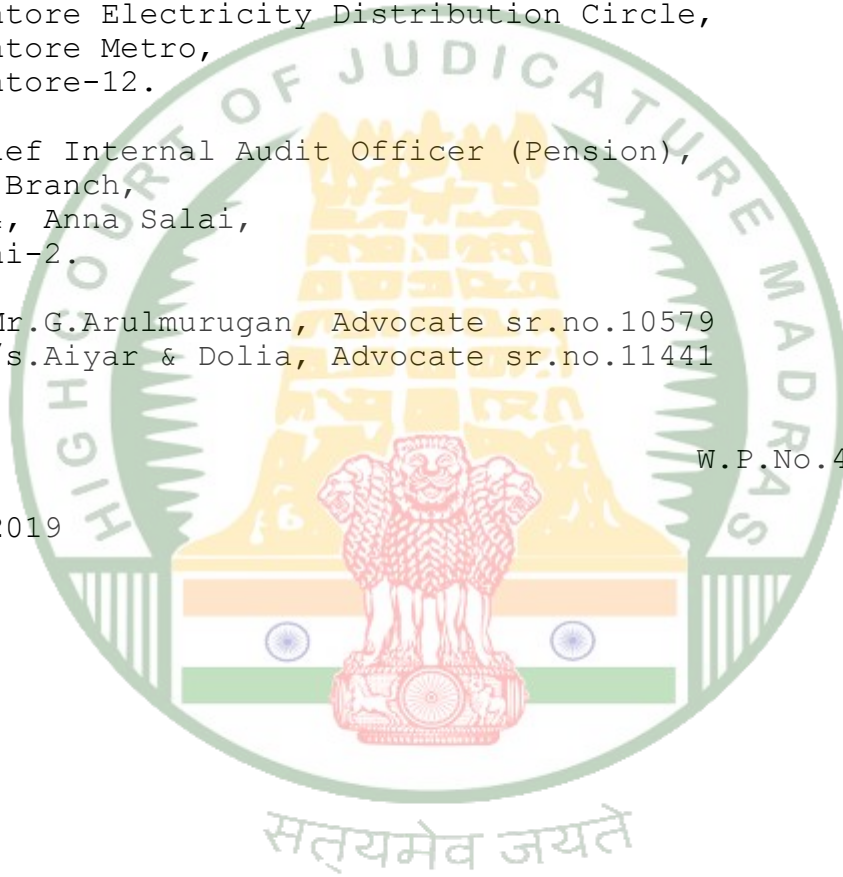
1. The Chairman,
TANGEDCO,
No.144, Anna Salai,
Chennai-2.
2. The Superintending Engineer,
TANGEDCO,
Coimbatore Electricity Distribution Circle,
Coimbatore Metro,
Coimbatore-12.
3. The Chief Internal Audit Officer (Pension),
Audit Branch,
No.144, Anna Salai,
Chennai-2.

+1cc to Mr.G.Arulmurugan, Advocate sr.no.10579

+1cc to M/s.Aiyar & Dolia, Advocate sr.no.11441

W.P.No.4132 of 2018

nr 21/03/2019



WEB COPY