

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.16086 of 2019

M.Vasantha

... Petitioner

Vs.

- 1.The Chairman,
TANGEDCO, Annasalai,
Chennai - 600 002.
- 2.The Superintending Engineer (Punal),
Material Management - II,
TANGEDCO, No.144, Annasalai,
Chennai - 600 002.
- 3.The Asst. Executive Engineer/ Exhibition,
Office of the Superintending Engineer,
Material Management - II,
TANGEDCO,
No.144, Annasalai,
Chennai - 600 002.

.... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relevant to the order in letter No.004527/562/M.18/M.182/2015-1 dated 04.07.2018 passed by the second respondent and quash the same is illegal improper against the law and natural justice and thereby direct the respondents to disburse the death cum retirement benefits and pension benefits of Late.Murugesan who worked in the respondents department to the petitioner immediately.

For Petitioner : Mr.B.Gopalakrishnan
For Respondents : Mr.P.R.Dilipkumar

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records relevant to the order in letter No.004527/562/M.18/M.182/2015-1 dated 04.07.2018 passed by the second respondent and to quash the same as illegal improper,

against the law and natural justice and to direct the respondents to disburse the death cum retirement benefits and pension benefits of Late.Murugesan who worked in the respondents department to the petitioner immediately.

2.Heard the arguments advanced on either side.

3.The case of the petitioner is that the petitioner's husband late.Murugesan was working as Foreman Grade - II under the respondents and retired from service on attaining the age of superannuation on 30.06.2015. Due to his ill health, the petitioner's husband was not able to approach the respondents for his retirement benefits and he died on 15.04.2016.

4.It is the further case of the petitioner that the petitioner is the legally wedded wife of late.Murugesan and after his death, she made representation to the respondents along with necessary documents seeking disbursement of the death-cum-retirement benefits of her husband and also for pensionary benefits. Since there was no action on the part of the respondents, the petitioner filed writ petition in W.P.No.12877 of 2018 before this Court and this Court vide order dated 24.05.2018, directed the respondents to consider the petitioner's representation and to pass orders within a stipulated time frame. Thereafter, the impugned order came to be passed stating that yet another person is claiming the death-cum-retirement benefits of late.Murugesan. Hence, this petition.

5.The learned counsel appearing for the petitioner would submit that the petitioner is the legally wedded wife of late.Murugesan. Even in the service record of late.Murugesan, the petitioner's name appear as the legally wedded wife.

6.The learned counsel appearing for the respondents produced the service record of late.Murugesan for perusal of this Court and the service record reflects the petitioner's name as the legally wedded wife of late.Murugesan. The learned counsel also did not dispute the fact that the petitioner's name appear in the service record of late.Murugesan as his legally wedded wife.

7.Since the service record of late.Murugesan reflects the petitioner's name as his legally wedded wife, there is no legal impediment for the respondents to disburse the death-cum-retirement benefits and pensionary benefits of late.Murugesan in favour of the petitioner. If at all there is any grievance for any other person, the said person has to approach the Civil forum for her grievance.

8.In view of all the above, the impugned order is set aside. Unless there is any prohibitory order from the Civil

Court or any other legal impediment from the Civil Court, the respondents are directed to disburse the death-cum-retirement benefits and pensionary benefits of late.Murugesan in favour of the petitioner, in accordance with law.

9.The writ petition stands allowed on the above terms. No costs. Consequently, the connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

pri

To

- 1.The Chairman,
TANGEDCO,
Annasalai,
Chennai - 600 002.
- 2.The Superintending Engineer (Punal),
Material Management - II,
TANGEDCO,
No.144, Annasalai,
Chennai - 600 002.
- 3.The Asst. Executive Engineer/ Exhibition,
Office of the Superintending Engineer,
Material Management - II,
TANGEDCO,
No.144, Annasalai,
Chennai - 600 002.

+1cc to Mr.B.Gopalakrishnan, Advocate, S.R.No. 96693
+1cc to Mr.P.R.Dilipkumar, Advocate, S.R.No. 96697

W.P.No.16086 of 2019

NMI (CO)
GN(20/12/2019)