

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.18208 of 2019
and
W.M.P.No.17564 of 2019

C.Vimal Raj

... Petitioner

Vs.

1. The Chairman cum Managing Director,
Tamil Nadu Electricity Board,
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd.,
Anna Salai, Chennai - 600 002.
2. The Superintending Engineer (O&M)
Tamil Nadu Electricity Board,
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd.,
Kallakurichi - 606 202,
Villupuram District.
3. The Executive Engineer (O&M),
Tamil Nadu Electricity Board,
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd.,
Kallakurichi - 606 202,
Villupuram District.
4. The Assistant Electrical Engineer (O&M)
Sadayampattu at Tottiyam,
Kallakurichi Taluk, Villupuram District.

5. Shanthi

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent to consider the petitioner's representation dated 27.05.2019 which was given for seeking petitioners share and compassionate appointment towards the death and terminal benefits of the petitioners father Mr.Chinnaiyan with in a stipulated time.

For Petitioner : Mr. R.Prabudoss

For Respondents : Mr.M.Fakkir Mohideen
Standing Counsel for TNEB

O R D E R

This petition has been filed by the petitioner, seeking for the issuance of Writ of Mandamus to direct the second respondent to consider the petitioner's representation dated 27.05.2019 which was given for seeking petitioners share and compassionate appointment towards the death and terminal benefits of the petitioners father Mr.Chinnaiyan with in a stipulated time.

2. The case of the petitioner is that his father late Chinnaiyan, who was working as lineman in the office of the Assistant Electrical Engineer (O&M) Sadiyampattu at Thottiyam, died in harness leaving behind two wives, viz., mother of the petitioner and fifth respondent two daughters and one son born to 5th respondent and the petitioner herein. According to the petitioner till the death of his father all were living as joined family and one roof and after demise of his father, himself and mother thrown out of the house. Thereafter, fifth respondent was taking earnest steps to receive are terminal benefits due and payable to his father and also claiming compassionate appointment to her son. According to the petitioner after attaining to the majority, he made a representation on 27.05.2019 to the second respondent requesting to disburse this share towards terminal benefits of his father and also to provide compassionate appointment. Since no action has been forthcoming despite his representation the petitioner is before this Court.

3. On instructions, the learned standing counsel appearing for the respondents submitted that the deceased employee have two wives and the petitioner is the son of second wife and legal heirs of first wife has also made similar claim for settlement of terminal benefits. Hence it is necessary for the Board to conduct a detailed enquiry to decide the entitlement of the parties.

4. Considering the facts and circumstances of the case, there shall be a direction to the respondents to conduct an enquiry and adjudicate the issue in respect of claim made by the petitioner as well as the son of first wife and thereafter to pass appropriate orders in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

5. Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

ebsi

To

1. The Chairman cum Managing Director,
Tamil Nadu Electricity Board,
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd.,
Anna Salai, Chennai - 600 002.
2. The Superintending Engineer (O&M)
Tamil Nadu Electricity Board,
Tamil Nadu Generation and Electricity
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Kallakurichi - 606 202,
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Kallakurichi - 606 202,
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4. The Assistant Electrical Engineer (O&M)
Sadayampattu at Tottiyam,
Kallakurichi Taluk, Villupuram District.

+2cc to Mr.R.Prabudoss, Advocate SR.No.88858

W.P.No.18208 of 2019

and

W.M.P.No. 17564 of 2019

GMR (CO)
GMY (07/11/2019)