

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :17.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No. 17806 of 2019

R.P.Athinathan

..Petitioner

Vs

1. The Chairman,
Tamil Nadu Generation and
Distribution Corporation Limited
N.P.K.K.R Maligai,
Anna Salai,
Chennai - 629 002.

2. The Executive Engineer (O&M)
TANGEDCO
Tindivanam Distribution Circle
Tindivanam District.

3. The Chief Engineer (O&M)
TANGEDCO
Villupuram Distribution Circle
Villupuram District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ order or direction in the nature of writ of Mandamus, directing the respondents to pay the pension and all other terminal benefits, applicable to the petitioner.

For Petitioner : Mr.R.N.Amarnath

For Respondent : Mr.Fakkir Mohideen
Senior Counsel for TNEB

O R D E R

The prayer sought for in this Writ Petition is for issuance of a Writ of Mandamus, directing the respondents to pay the pension and all other terminal benefits, applicable to the petitioner.

2. The case of the petitioner is that in the year 1993, the petitioner was appointed as Junior Assistant in the 1st respondent Electricity Board. Subsequently the petitioner was promoted as Assistant Administrative Supervisor.

3. The learned counsel appearing for the petitioner would submit that on 21.05.2003, while being posted and working in Kuzhithurai, Kanyakumari District, the petitioner met with an accident and the petitioner was admitted in the hospital for about nine months.

4. The learned counsel appearing for the petitioner would further submit that on 13.07.2018, the petitioner was again promoted as Assistant Administrative Officer and the petitioner was posted to work under the 2nd respondent. Due to the said accident, his health was gradually got deteriorated over the years and rendered him unfit for the work and as such the Medical Board vide its report bearing No. 8573/K.7/2018 dated 04.10.2019 assessed the petitioner disability, and declared him medically unfit to be in service. The 3rd respondent vide his order dated 19.03.2019, declared the petitioner that the petitioner is medically invalidated person and terminated his service on the basis of the said Medical Board report. The 3rd respondent relived the petitioner from duty from 03.10.2019. The petitioner was not paid amount from 01.01.2019. Even after lapse of more than 6 months the respondent has not settled his pension and other retirement benefits. The petitioner visited the office of the respondents number of times seeking the payment of pension and other terminal benefits and also made two representations dated 28.05.2019 and 01.06.2019. The same is not heeded by the respondents. The petitioner is in huge financial crunch, due to inaction of the respondents, the petitioner is having a wife and two sons who are dependent on the petitioner. The petitioner is in penurious circumstances. The petitioner was not having fund to look after his family and for getting medicine. His right to live is arbitrarily interfered with the respondents by not settling his dues in time. Hence this writ petition.

5. The learned counsel for the petitioner would now submit that it would be suffice if this Court issues direction to the 3rd respondent to consider the petitioner's representation dated 01.06.2019 within a time frame.

6. Without expressing any opinion on merits, I am inclined to issue a direction to the 3rd respondent to dispose of the Writ Petitioner's representation dated 01.06.2019, within a period of twelve weeks from the date of receipt of a copy of this order. With the above direction, the Writ Petition is disposed of. No costs.

s/d-

Assistant Registrar (CO)

True Copy

Sub-Assistant Registrar

kmm

To

1. The Chairman,
Tamil Nadu Generation and
Distribution Corporation Limited
N.P.K.K.R Maligai,
Anna Salai,
Chennai - 629 002.

2. The Executive Engineer (O&M)
TANGEDCO
Tindivanam Distribution Circle
Tindivanam District.

3. The Chief Engineer (O&M)
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Villupuram Distribution Circle
Villupuram District.

+1 CC to Mr.R.N.Amarnath, Advocate sr 80067

+1 CC to Mr.M. Fakkir Mohideen, Advocate sr 80487.

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RP (CO)

SP (09/12/2019)