



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.06.2019

CORAM:

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P. (MD) No. 1883 of 2015

and

M.P. (MD) No. 1 of 2015

Ayyammal

... Petitioner

-Vs-

1. The Superintending Engineer,
Tamil Nadu Generation & Distribution
Corporation Limited,
Madurai Electricity Distribution Circle,
Madurai.

2. The Assistant Executive Engineer,
Tamil Nadu Generation & Distribution
Corporation Limited,
Pasumalai Sub Division, Pasumalai,
Madurai.

3. S. Jayalakshmi

4. Minor S. Sathish

S/o. Late M. Sundaramoorthy,
Represented by his mother and guardian,
S. Jeyalakshmi

5. Minor S. Pramaiahya Bharthi,

S/o. Late M. Sundaramoorthy,
Represented by his mother and guardian,
S. Jeyalakshmi.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, forbearing the respondents 1 and 2 from passing any orders on the representation dated 11.01.2012 submitted by the third respondent without hearing and considering the objections of the petitioner and consequently, from disbursing the death benefits of the deceased son of the petitioner, Sundaramoorthy to the respondents 3 to 5.

For Petitioner : Mr. J. Barathan,
(Change of Vakalath filed)

For R1 and R2 : Mr. S. Dhayalan,
Government Advocate.

For R3 to R5 : Mr. C. K. M. Appaji

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**ORDER**

The learned counsel appearing on behalf of the writ petitioner made a submission that he has given a change of vakalath to the writ petitioner and a memo was filed to that effect. In spite of that the learned counsel is present in order to assist the Court.

2. The learned counsel appearing for the respondents 3 to 5 also states that he has also handed over the papers to the respondents 3 to 5.

3. Under these circumstances, this Court is inclined to go through the papers in the present Writ Petition and accordingly, pass the final order in this Writ Petition.

4. The relief sought for in the present Writ Petition is to forbear the respondents 1 and 2 from passing any orders on the representation dated 11.01.2012 submitted by the third respondent without hearing and considering the objections of the writ petitioner and consequently, from disbursing the death benefits of the deceased son of the writ petitioner, Sundaramoorthy to the respondents 3 to 5.

5. In respect of the disbursement of the terminal benefits and pensionary benefits, the authorities competent are bound to follow the rules in force. Pensionary and terminal benefits are to be paid to the spouse at the first instance or to the legal heirs as the case may be with reference to the pensionary rules as well as the other rules in force. The relief, as such sought for in the present Writ Petition to forbear the respondents 1 and 2 from passing any order on the representation of the third respondent, is not maintainable at all. If at all any order is passed and if any person is aggrieved from and out of any such order passed by the competent authority, then alone cause of action would arise and not otherwise. Such negative prayer would not provide any cause for moving the Writ Petition at all. Any competent authority of the State is bound to respond to the grievances, complaints or representations submitted by the persons.

6. This being the obligations wanted under the statute in respect of the competent authority, the relief as such sought for to forbear the respondents 1 and 2 from passing any orders on the representation cannot be entertained and if at all the writ petitioner is having any other grievance in this regard, it is left open to her to redress the same in the manner known to law.



7. With these observations, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

Sub Assistant Registrar (CS)

Myr

To

1. The Superintending Engineer,
Tamil Nadu Generation & Distribution
Corporation Limited,
Madurai Electricity Distribution Circle,
Madurai.
2. The Assistant Executive Engineer,
Tamil Nadu Generation & Distribution
Corporation Limited,
Pasumalai Sub Division, Pasumalai,
Madurai.

W. P (MD) No. 1883 of 2015
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BUC (10.07.2019) 3P 3C