



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.11876 of 2014

Valliammal

... Petitioner

-Vs-

1. The Chairman,
Tamil Nadu Electricity Board,
800, Anna Salai, Chennai-2.
2. The Internal Audit Officer (Pension),
Audit Branch,
No.144, Annasalai,
Chennai.
3. The Superintending Engineer,
Tirunelveli Distribution Circle,
Tirunelveli.

... Respondents

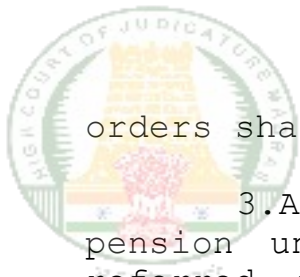
Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 23.01.2012 and pass orders extending the benefit of ex-gratia to the petitioner as per B.P.(Ch)No.151, dated 03.07.93.

For Petitioner	: Mr.H.Arumugam
For Respondents	: Mr.G.Kasinathadurai

ORDER

The relief sought for in the present Writ Petition is for a direction to direct the respondents to consider the representation submitted by the writ petitioner on 23.01.2012 and to extent the benefit of ex-gratia payment to the writ petitioner as per B.P. (Ch)No.151, dated 03.07.1993.

2.A copy of proceedings in B.P.(Ch)No.151, dated 03.07.93 is produced. One of the conditions imposed in the said board proceedings for receiving ex-gratia payment is that "where the members of the family are in respect of the family pension under the Extraordinary Pension Rules, the ex-gratia payment under these



orders shall not be admissible."

3. Admittedly, the writ petitioner is receiving family pension under the Tamil Nadu Pension Rules, 1978 (hereinafter referred to as 'the Rules'). When the writ petitioner is receiving family pension under the Rules, she is not entitled to receive the ex-gratia payment with reference to the board proceedings issued in B.P.(Ch)No.151, dated 03.07.1993. When the eligibility of the writ petitioner is not established, even a direction to consider the representation cannot be granted. It is a precondition that a person seeking a direction to consider the representation should establish a legal right. In the absence of establishing any legal right, no such direction can be issued. The board proceedings in B.P.(Ch)No.151, dated 03.07.1993, categorically enumerates that the persons, who are receiving family pension, are not eligible for ex-gratia pension. Thus, the writ petitioner is not entitled for the relief as such sought for in the present Writ Petition with reference to her representation.

4. With these observations, this Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

+1 CC to Mr.G.KASINATHADURAI, Advocate (SR-76468[F] dated 19/07/2019)

+1 CC to Mr.H.ARUMUGAM, Advocate (SR-76679[F] dated 22/07/2019)

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Myr

AE/ (30.07.2019) 2P 3C