



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.07.2019

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

W.P. (MD)No.19794 of 2014

WEB COPY

V.Mariammal

... Petitioner

Vs.

- 1.The Chairman,
TANGEDCO,
Production-cum-Distribution,
144, Annasalai,
Chennai.
- 2.The Superintendent Engineer,
TANGEDCO,
Cuddalur Distribution Circle,
Cuddalur.
- 3.The Assistant Executive Engineer,
TANGEDCO,
Viruthachalam Town,
Cuddalur District.
- 4.R.Ganagavalli

... Respondents

PRAYER: Writ Petitions under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to stop the payment of death benefit of V.Rajendrakumar to the fourth respondent till the final disposal of the criminal case in Cr.No.309 of 2012 dated 13.05.2012 on the file of the Viruthachalam Police Station by considering her representation dated 14.11.2014 within the period stipulated by this Court.

For Petitioner : Mr.A.Haja Mohideen

For R1 to R3 : Mr.S.Dhayalan,
Government Advocate

For R4 : Mr.S.C.Herold Singh

ORDER

The relief sought for in the present writ petition is for a direction to the respondents 1 to 3 to stop the payment of death benefit of Thiru.V.Rajendrakumar to the fourth respondent till the final disposal of the criminal case in Cr.No.309 of 2012, dated

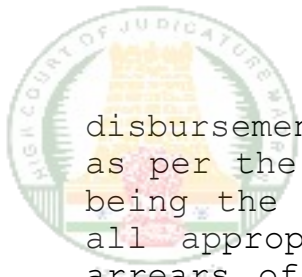


13.05.2012 on the file of the Viruthachalam Police Station by considering her representation, dated 14.11.2014.

2. The writ petitioner states that her son Thiru.V.Rajendrakumar was employed in the Tamil Nadu Electricity Board and died while he was in service. He was employed as Wireman in the office of the third respondent. The son of the writ petitioner married the fourth respondent on 19.05.1999 and out of their wedlock a son and a daughter born. The son of the writ petitioner filed a petition in H.M.O.P.No.68 of 2010 on the file of the Subordinate Judge, Sankarankovil for restitution of Conjugal right. The petitioner states that the fourth respondent along with her sister-in-law Rani, who was working in the Police Department, conspired and made an attempt to kill her son. The Special Sub Inspector of Police, Viruthachalam Police Station registered a case in Cr.No.309 of 2012 on 13.05.2012 under Section 174 of Cr.P.C., and obtained the signature from the writ petitioner. The writ petitioner sent complaints to the police officials and the authorities competent had not taken any action. Thus, the writ petitioner is constrained to move the present writ petition to stop the terminal and pensionary benefits of her son Thiru.V.Rajendrakumar in favour of the fourth respondent.

3. This Court is of the considered opinion that the deceased employee was married to the fourth respondent, thus, the fourth respondent admittedly is the wife of the deceased employee. As far as the family pension is concerned, the same cannot be settled in favour of any other person other than the spouse. The very concept of the family pension is that the spouse of the deceased employee alone is entitled to get the family pension and in respect of other benefits the authorities competent are bound to go by the nomination available in the Service Register of the employee concerned. Thus, the authorities competent are bound to verify the nomination as well as ascertain the legally wedded spouse and accordingly, settle the pensionary benefits as well as the family pension.

4. The learned counsel for the petitioner states that the petitioner has no other source of livelihood and therefore, some amount is to be settled in favour of the writ petitioner. This Court cannot issue any such direction in violation of the pension rules. However, if the petitioner is unable to maintain herself on account of old age, she is at liberty to approach the competent authority under the Senior Citizen Maintenance Act and appropriate petition is to be filed setting out the facts and details before the competent authority under the provisions of the Senior Citizen Maintenance Act and in the event of submitting any such application, the sons and daughters of the writ petitioner are bound to maintain the writ petitioner with reference to the provisions of the Act. This being the only remedy available to the writ petitioner. This Court cannot stop the sanctioning and



disbursement of pensionary benefits and family pension to the spouse as per the nominations and as per the pension rules in force. This being the factum, the respondents 1 to 3 are directed to initiate all appropriate action for the settlement of family pension and arrears of family pension in favour of the legally wedded wife of the deceased employee and with reference to the nominations available in the Service Register of the deceased employee.

5. With these observations, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Chairman,
TANGEDCO,
Production-cum-Distribution,
144, Annasalai,
Chennai.
2. The Superintendent Engineer,
TANGEDCO,
Cuddalur Distribution Circle,
Cuddalur.
3. The Assistant Executive Engineer,
TANGEDCO,
Viruthachalam Town,
Cuddalur District.

+1 CC to M/s.A.HAJA MOHIDEEN, Advocate (SR-78414[F] dated 30/07/2019)

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-78628[F] dated 30/07/2019)

W.P. (MD) No.19794 of 2014
30.07.2019

_KK/SAR/13.08.2019/3P-6C/