



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2019

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P[MD]No.4312 of 2014

M.Poonuthai

... Petitioner

Vs.

1.The Internal Audit Officer,
Pension, Tamil Nadu Electricity Board,
144 Annasalai, Chennai - 2.

2.The Superintending Engineer,
Tamil Nadu Electricity Board,
Viruthunagar Distribution Circle,
Viruthunagar District.

3.M.Kathanan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent herein to sanction the family pension of K.Muthirulandi to the petitioner within the stipulated time as fixed by this Court.

For Petitioner : Mr.S.M.Mohan Gandhi

For Respondents 1&2 : Mr.G.Kasinatha Durai
Standing Counsel

For Respondent No.3 : No appearance

O R D E R

The relief sought for in the present writ petition is for a direction to direct the first respondent to sanction family pension to the writ petitioner.

2.Learned Counsel for the writ petitioner states that the petitioner is the legally wedded second wife of the deceased employee Thiru. K.Muthirulandi, who was employed as Wireman and retired from service on 31.01.1989. The husband of the writ petitioner passed away on 12.02.2009. Till then, he was receiving pension and after his death the writ petitioner submitted an



application for grant of family pension. The third respondent is the son of the deceased employee who made an objection and based on the objection, the respondents 1 and 2 had not considered the claim of the writ petitioner for grant of family pension.

3.Learned Counsel for the writ petitioner stated that the second marriage of the deceased employee with the writ petitioner was solemnised on 16.10.1970 and in this regard, learned Counsel for the writ petitioner submitted the marriage certificate issued by the representatives of a particular community. It is further contended that the first wife of the deceased employee died during the year 1969. Thus, the second marriage was solemnised after the death of the first wife and accordingly, the second marriage of the deceased employee with the writ petitioner was a valid marriage and therefore, the writ petitioner is entitled to get family pension in accordance with the Pension Rules in force.

4.If the writ petitioner is able to establish that the deceased employee married the writ petitioner after the death of the first wife, then the case of the writ petitioner is to be considered. In this regard, an enquiry has to be conducted by the competent authorities with reference to the documents, if any produced by the writ petitioner and in the event of ascertaining the facts and circumstances, after conducting an enquiry, the case of the writ petitioner is to be considered for grant of family pension.

5.In this regard, the respondents 1 and 2 are directed to conduct enquiry by affording opportunity to the writ petitioner and ascertain the genuinity of the records produced by the writ petitioner if any and thereafter consider the claim of the writ petitioner for grant of pension with reference to the pension rules and pass orders as expeditiously as possible preferably within a period of four [4] months from the date of receipt of a copy of this order. The writ petitioner is also directed to submit her application along with the documents within a period of two weeks from the date of receipt of a copy of this order.

6.Accordingly, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar (CS)



To

1.The Internal Audit Officer,
Pension, Tamil Nadu Electricity Board,
144 Annasalai, Chennai - 2.

2.The Superintending Engineer,
Tamil Nadu Electricity Board,
Viruthunagar Distribution Circle,
Viruthunagar District.

+1 CC to M/s.S.M.MOHAN GANDHI, Advocate (SR-79394[F] dated
02/08/2019)

+1 CC to M/s.G.KASINATHA DURAI, Advocate (SR-79507[F] dated
02/08/2019)

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01.08.2019

MR

JMN(16.08.2019) 3P : 5C