

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2020

CORAM:

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

W.P.No.2528 of 2020

Lakshmi

... Petitioner

-Vs-

1. The Chennai Metropolitan Water Supply and Sewerage Board
Office, Rep. By its Managing Director,
No.1, Pumping Station Road,
Chintadripet, Chennai 600 031.
 2. The Industrial Relation Manager,
Chennai Metropolitan Water Supply and Sewerage Board Office,
No.1, Pumping Station Road,
Chintadripet, Chennai 600 031
- ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order dated 20.12.2019 bearing letter No.Se.Ku.Vaa/Pamaani/Tho.Tho.5/14948 /2019 passed by the 2nd respondent and to quash the same and consequently direct the 2nd respondent to provide the family pension and other service benefits if any available to the deceased husband Selvaraj pursuant to the petitioner's representation dated 11.11.2019.

For Petitioner : Mr.R.Thirumoorthy

For Respondents : Mr.C.Vigneswaran

ORDER

By consent, this writ petition is taken up for final disposal.

2. This writ petition has been filed challenging the impugned order passed by the 2nd respondent dated 20.12.2019 and for a consequential direction to the 2nd respondent to grant family pension and other service benefits to the petitioner.

3. The case of the petitioner is that her husband Selvaraj was working in the Chennai Metropolitan Water Supply and Sewerage Board as an Assistant and he attained the age of Superannuation on 30.06.2014. Thereafter, he was receiving pension from the respondent till his death. He died on 02.02.2019. The petitioner, who is the wife of the deceased Selvaraj had claimed for the family pension and other benefits. The same was rejected by the 2nd respondent vide impugned order dated 20.12.2019 on the ground that the deceased employee had not nominated any one to receive family pension and there is a doubt with regard to the status of the petitioner.

4. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents.

5. It is clear from the records that the petitioner is the wife of the late Selvaraj. There seems to be a matrimonial dispute between the petitioner and late Selvaraj and there was already a case pending before the Family Court in H.M.O.P.No.2554 of 2015. It is seen from the order passed by the Family Court that the deceased Selvaraj did not deny the relationship and there is no dispute with regard to the fact that the petitioner is the wife of the deceased Selvaraj. That apart, the petitioner had also produced the death certificate and legal heirship certificate before the Appropriate authority. In spite of the same, the 2nd respondent has rejected the claim on the ground that the deceased selvaraj has not nominated any one to receive family pension. The mere fact that no nomination has been made by the deceased Selvaraj, cannot deprive the petitioner from claiming family pension since she is admittedly the wife of the deceased Selvaraj. Under the Rules, the wife is entitled to receive the family pension, after the death of the retired employee. There is enough material to show that the petitioner is the wife of the deceased Selvaraj. Therefore, this Court has no hesitation to interfere with the impugned order of the 2nd respondent.

6. The impugned order passed by the 2nd respondent in his proceedings dated 20.12.2019, is hereby quashed and the 2nd respondent is directed to pass appropriate orders by granting family pension in favour of the petitioner, within a period of four weeks from the date of receipt of copy of this order.

7. This writ petition is allowed with the above directions. No costs.

Sd/-
Assistant Registrar (CS-V)

//True copy//

Sub Assistant Registrar

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To

1. The Managing Director,
The Chennai Metropolitan
Water Supply and Sewerage Board Office,
No.1, Pumping Station Road,
Chintadripet, Chennai 600 031.

2. The Industrial Relation Manager,
Chennai Metropolitan Water Supply and Sewerage Board Office,
No.1, Pumping Station Road,
Chintadripet, Chennai 600 031

+1cc to Mr.R.Thirumoorthy, Advocate SR.No.9917

+1cc to Mr.C.Vigneswaran, Advocate SR.No.9934

W.P.NO.2528 of 2020

MP (CO)
GMY (23/03/2020)

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