



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) .No.7870 of 2020

and

W.M.P. (MD) No.7338 of 2020

WEB COPY

V.Devi

...Petitioner

Vs.

1) The Superintending Engineer,
Tamil Nadu Generation of Electricity and
Distribution Company,
Pudukottai.

2) The Executive Engineer,
Tamil Nadu Generation of Electricity and
Distribution Company,
Pachikottai,
Alangudi Post and Taluk,
Pudukkottai District.

3) Sikapayi

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, thereby to direct the 1st respondent to settle the entire death cum retirement benefits to the petitioner for the demise of her husband Balusamy.

For Petitioner

: Mr.P.Ganapathi Subramanian

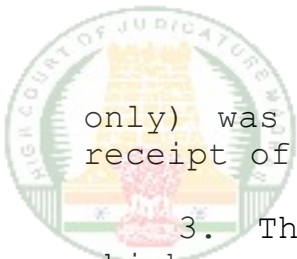
For RR 1 & 2

: Mr.T.Sakthikumaran,
Standing Counsel

O R D E R

The prayer sought for in this Writ Petition is for a Writ of Mandamus, seeking for a direction to the 1st respondent to settle the entire death cum retirement benefits to the petitioner for the demise of her husband Balusamy.

2. It is the case of the petitioner that the petitioner's husband was working as Foreman in the respondent TANGEDCO at Alangudi and due to illness, he died on 22.07.2018 and in this regard, it is claimed by the petitioner, who is the wife of the deceased, that a sum of Rs.30,00,000/- (roughly) was already spent for the medical expenses towards her husband. Therefore, after the death of the husband of the petitioner, it was claimed by the petitioner that, the retiral benefits should be given to the petitioner and in this regard, it seems that on 07.04.2020, a sum of Rs.18,07,022/- (Rupees Eighteen lakhs Seven Thousand and Twenty Two



only) was paid by way of cheque in favour of the petitioner and receipt of the same has also been acknowledged by the petitioner.

3. Thereafter, the remaining death cum retirement benefits which comes roughly around Rs.7,00,000/- is yet to be paid and also the pensionary benefits have not been disbursed to the petitioner. In this regard, the petitioner has given a representation on 26.05.2020 to the respondent (i.e.) the first respondent. However, since no action has been taken and the remaining amount has not so far been released, the petitioner has approached this Court with the aforesaid prayer

4. Heard Mr.P.Ganapathi Subramanian, learned counsel appearing for the petitioner, who submits that, the petitioner is the legally wedded wife and she is the legal heir of the deceased employee and therefore, she is entitled to get the remaining death cum retirement benefits, which should have been paid by the respondents. But despite the representation given, since it has not been considered, she seeks indulgence of this Court to issue a direction to that effect.

5. However, Mr.T.Sakthikumaran, learned standing counsel appearing for the respondent TANGEDCO submits that, the third respondent, who is none other than the mother of the deceased, has made a request and objection to the respondent employer that a considerable portion of the retiral cum death benefits of the employee had already been disbursed to the petitioner, who is the wife of the petitioner. Therefore, the remaining amount should not be paid to her and should be paid only to the third respondent. In view of the said objection being raised by the third respondent mother, the respondents are not in a position to take a decision to disburse the amount to and in favour of the petitioner.

6. I have considered the submissions made by the learned counsel appearing on both sides and perused the materials available on record.

7. Admittedly, the petitioner is the wife, who is the legal heir and also the mother /the third respondent herein, is another legal heir for the deceased employee. Therefore, in this regard, if there is any consent between them, there could be no issue. But, once the issue has been raised by the third respondent mother, to make a claim for the remaining amount yet to be disbursed by the respondent towards the petitioner, the needful can be done in accordance with law by the respondents after having heard the petitioner as well as the third respondent. Therefore, this Court is inclined to dispose of the writ petition with the following order:

"(i) that the respondents especially, respondents 1 and 2 are hereby directed to issue separate notice to both the petitioner as well as the third respondent and fix a date



and after hearing them and after getting the stand of the third respondent as well as the petitioner in writing about the disbursement of the remaining death cum retirement benefits of the deceased employe, a suitable decision, in accordance with law, can be taken by the respondents and accordingly, the amount can be disbursed; and

(ii) The needful as indicated above shall be undertaken by the respondents within a period of three months from the date of receipt of a copy of this order and final orders to that effect shall be passed."

8. With the above observations and direction, the Writ Petition stands disposed of. However, there shall be no order as to costs. Consequently, connected W.M.P.(MD) No.7338 of 2020 stands closed.

Sd/-

Assistant Registrar (ADII)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.

To:

- 1) The Superintending Engineer,
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