

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.03.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.4622 of 2021

Rajathi

... Petitioner

Vs.

1. The Superintending Engineer,
Tamil Nadu Electricity Board,
Superintending Engineer Office,
Cuddalore District.
 2. The Executive Engineer,
Tamil Nadu Electricity Board,
Nellikuppam, Cuddalore District.
 3. The Assistant Executive Engineer,
Operation and Maintenance (O & M),
Tamil Nadu Electricity Board,
Melapattampakkam,
Panruti Taluk,
Cuddalore District.
- Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the Respondents to sanction the family pension to the Petitioner with effect from 09.06.2014 (i.e. the death of the Petitioner's husband Mr.Balasundaram) and disburse the arrears with 18% interest forthwith and continue to pay the same to the Petitioner and further to pay the funeral expenses of the Petitioner's husband within a stipulated period fixed by this Court.

For Petitioners : Mr.C.Samivel

For Respondents : Mr.Fakkir Mohideen

O R D E R

Petitioner has come up with this Writ Petition seeking a direction to the Respondents to sanction family pension to her with effect from 09.06.2014, (i.e. the death of the Petitioner's husband Mr.Balasundaram) and disburse the arrears with 18% interest forthwith and continue to pay the same to her and further to pay the funeral expenses of her husband.

2. According to the Petitioner, after the demise of her husband on 09.06.2014, she directly approached the 3rd Respondent in the year 2015 and requested him to sanction family pension and also to pay the expenses for funeral. In that regard, she made representations to the 3rd Respondent on 16.06.2016, 15.07.2017 and 25.08.2018 and a further representation on 04.01.2021 to the Respondents. Since no action is forthcoming, the Petitioner is before this Court with the above Writ Petition.

3. Heard the learned counsel on either side and perused the material documents available on record.

4. Considering the facts and circumstances of the case, this Court directs the Respondents herein to consider the Petitioner's representation dated 16.06.2016 on merits and in accordance with law, after affording an opportunity of personal hearing to the Petitioner, and pass appropriate orders on the same, within a period of three months from the date of receipt of a copy of this order.

5. Petitioner shall furnish her phone number, email ID, if any, etc., along with a copy of her representation and a copy of this order, to the Respondents forthwith. Respondents are directed to communicate the decision taken on the said representation to the Petitioner herein within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/Registered Post/Speed Post, so that, there is no need for the parties to file contempt after expiry of the specified period. In case, the authorities concerned fail to send communication to the parties, they will have to face civil imprisonment in case of contempt proceedings and, if they are unable to serve the order and the cover being returned unserved for one reason or the other, the same shall be kept in the file without opening it for the sake of proof of delivery, so that the parties, at a later point of time, will not take a plea that he/she is not aware of the order of this Court.

With the above direction and observation, this Writ petition stands disposed of. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To:

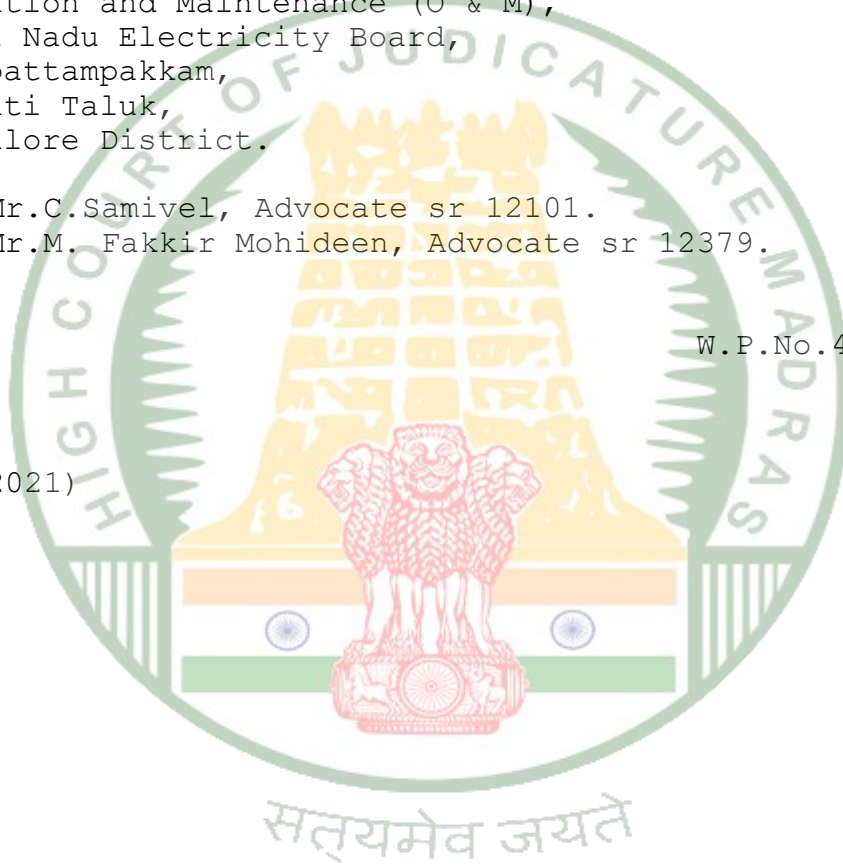
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+1 CC to Mr.C.Samivel, Advocate sr 12101.

+1 Cc to Mr.M. Fakkir Mohideen, Advocate sr 12379.

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PL(CO)
SP(01/04/2021)



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