



IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 28.06.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.19443 of 2016

1.R.Vennila
2.Janaki
3.Maheswari

...Petitioners

Vs

1. The Chief Internal Audit Officer/pension
Audit Branch
TANGEDCO Ltd.,
144, Anna Salai,
Chennai-02.

2. Superintending Engineer,
TANGEDCO Ltd.,
Namakkal Electricity Distribution Circle,
Namakkal District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to disburse the family pension due the petitioners without insisting for Marriage Register certificate or Marriage Register certificate through Court by considering petitioner representations dated 20.07.2015 and 23.01.2016.

For Petitioners : Mr.R.Prabakar

For Respondents : Mr.Karthik Rajan
Standing Counsel

ORDER

By consent of both the parties, this writ petition is taken up for final disposal.

2. The first petitioner herein is the wife of the late Radhakrishnan, who was an ex-employee of the second respondent company. The second and third petitioners herein are the children of late Radhakrishnan through his first wife, namely Malliga, who had died on 23.07.1997. It is claimed by the first petitioner that she got married to late Radhakrishnan on 15.06.1999. Pursuant to the marriage of the first petitioner



with the late employee, the service records were also altered and the names of the petitioners herein were incorporated therein as the nominees of late Radhakrishnan. The DCRG benefits were disbursed in favour of the petitioners herein in accordance with the nomination given in the service registers. When the petitioners had claimed the pensionary benefits, it is stated that the respondents are insisting for production of the first petitioner's marriage certificate and thereby have withheld the disbursement of family pension.

3. According to the learned counsel for the petitioner, the marriage of the first petitioner with the late employee was held in a temple under Hindu rites and customs and the marriage has not been registered in the late employee's service records till date and hence, there is no justification on the part of the respondent to insist for production of the marriage certificate.

4. The learned Standing Counsel for the respondents, however, submitted that there is no infirmity on the part of the respondents to seek for the marriage certificate, which is a vital document for the purpose of considering disbursement of family pension to the petitioners.

5. It is not in dispute that the nominees of the petitioners herein have been duly incorporated in the service register of late Radhakrishnan, based on which, both the death cum gratuity benefits have also been disbursed in their favour. At the time of disbursement of DCRG benefits, the respondent had not insisted for production of the first petitioner's marriage certificate. Apparently, the disbursement of DCRG has been made in accordance with the entries of the respondents' service records of the late employee.

6. It is needless to point out that whenever such entries are altered in the service register, there is a presumption that the respondents have verified on the authenticity of the relationship between the employee and the nominees and thereby incorporated such entries. As such, when the respondents have chosen to disburse the DCRG benefits in favour of these petitioners, insistence of production of marriage certificate of the first petitioner, does not seem justifiable. It is also seen that the employee had died on 25.09.2012 and the petitioners have been deprived of family pension for all these years. In this back ground, this Court is of the view that a positive direction can be given to the respondents to disburse the family pension in favour of the petitioners herein, within a stipulated time.

7. The petitioners herein claim to have given sufficient requests to the second respondent seeking for disbursal of



family pension through their representations dated 20.07.2015 and 23.01.2016. Since these representations were almost given 5 years back, it would be appropriate to grant liberty to the petitioners to give a fresh representation to the second respondent seeking for family pension and on receipt of the same, the second respondent herein shall favorably consider the representation.

8. In the light of the above observations, the petitioners are hereby granted liberty to give a fresh representation to the second respondent seeking for family pension, within a period of 2 weeks from the date of receipt of a copy of this order and on receipt of the same, the second respondent shall pass suitable orders for disbursement of the family pension, without insisting for marriage certificate of the first petitioner with late Radhakrishnan, within a period of 6 weeks from the date of receipt of the representation.

9. The writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar (CS-VI)

// True Copy//

Sub Assistant Registrar

hvk/sbn

To

1. The Chief Internal Audit Officer/pension
Audit Branch
TANGEDCO Ltd.,
144, Anna Salai,
Chennai-02.

2. Superintending Engineer,
TANGEDCO Ltd.,
Namakkal Electricity Distribution Circle,
Namakkal District.

+1cc to Mr.R.Prabakar , Advocate, S.R.No.29675
+1cc to Mr. Karthik Rajan, Advocate, S.R.No.29952

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PCH (CO)
CT(06/08/2021)