

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.25542 of 2014

1. T.C.Mohan
2. Karunanithi
3. Kannammal
4. P.Manjula
5. J.Kala
6. Subramanian
7. Latha

... Petitioners

Vs.

1. The Chairman,
Tamilnadu Generation and Distribution Corporation,
N.P.K.R.R.Maligai,
144, Anna Salai, Chennai - 600 002.
2. The Chief Engineer,
Tamilnadu Generation and Distribution Corporation,
N.P.K.R.R.Maligai,
144, Anna Salai, Chennai - 600 002.
3. The Superintending Engineer,
Tamilnadu Generation and Distribution Corporation,
Kamaraj Nagar Colony, Udayapatty (Post),
Salem 636 014.
4. The Assistant Executive Engineer (Spares),
Tamilnadu Generation and Distribution Corporation,
Karuppur, Salem - 636 012,
Salem District.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to release the Provident Fund, Gratuity amount and death benefit to the petitioners which is kept under the respondents.

For Petitioners : Mr.M.Rajendran

For Respondents : Mr.Karthik Rajan

ORDER

This writ petition has been filed seeking a mandamus, directing the respondents to pay Provident Fund, Gratuity amount and death benefits to the petitioners.

2. According to the learned counsel for the petitioners, the petitioners are the sisters and brothers of one Rani, who was working as a helper in Tamil Nadu Electricity Board at Karuppur. The said Rani died on 02.09.2007, while in service and her husband and son predeceased her. Stating that the petitioners are her legal heirs, they approached the third respondent seeking terminal benefits due to the deceased, but the third respondent instructed them to get succession certificate. Accordingly, the petitioners obtained succession certificate on 23.03.2009 from the Sub Court, Mettur, by OP.No.4/2008. Even thereafter, their claim was not considered. Further, the representations sent by them to the third respondent on 08.06.2011 and 16.08.2011 yielded no response. Hence, this writ petition.

3. On the other hand, the learned counsel for the respondents submitted that according to Rule 45 (5) and 49 (13) (b) of Tamil Nadu Family Pension Rules, the brothers and sisters of the deceased Government employee, who are below the age of 18, are only eligible for retiral benefits of the deceased and the said fact was also communicated to the petitioners by the third respondent in the year 2013 itself and hence, the claim of the petitioners cannot be considered.

4. In view of the aforesaid submissions made by the learned counsel for the respondents, this writ petition stands disposed of, leaving it open to the petitioners to work out their remedy in the manner known to law. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vrc
To

1. The Chairman,
Tamilnadu Generation and Distribution Corporation,
N.P.K.R.R.Maligai, 144, Anna Salai, Chennai - 600 002.

2. The Chief Engineer,
Tamilnadu Generation and Distribution Corporation,
N.P.K.R.R.Maligai, 144, Anna Salai, Chennai - 600 002.

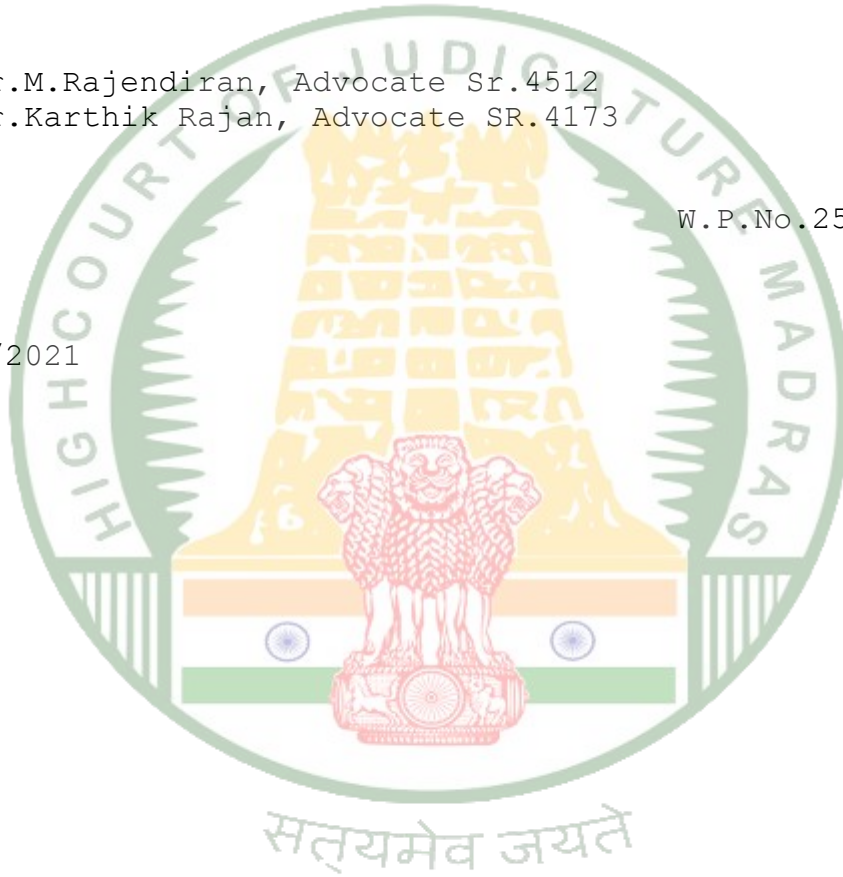
3. The Superintending Engineer,
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Kamaraj Nagar Colony, Udayapatty (Post),
Salem 636 014.

4. The Assistant Executive Engineer (Spares),
Tamilnadu Generation and Distribution Corporation,
Karuppur, Salem - 636 012, Salem District.

+1cc to Mr.M.Rajendiran, Advocate Sr.4512
+1cc to Mr.Karthik Rajan, Advocate SR.4173

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srg 21/06/2021



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