



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2021

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.NO.23133 OF 2021

(Through Video Conferencing)

S.Ponnusamy

... Petitioner

Vs

1. The Commissioner,
Corporation of Greater Chennai,
Ribbon Building,
Chennai - 600 003.
2. The Assistant Executive Engineer,
Chennai Corporation,
Zone IV, Division 39,
New Washermanpet,
Chennai - 600 081.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the first and second respondent to consider the petitioner representation on 05.09.2021 and consequently to grant the terminal benefits and family pension of late Mrs.Thulukanam as employee of the first and second respondents herein to the petitioner.

For Petitioner : Mr.V.P.Raju

For Respondents : Mr.M.Ganesan

ORDER

Mr.M.Ganesan, learned counsel takes notice on behalf of the respondents.



2. The petitioner is the husband of deceased Tulukanam who died on 08.05.2013. It is the case of the petitioner that though the petitioner and his wife was estranged marriage of convenience was organised by the deceased employee Tulukanam as they had had no issues from the marriage between them. According to the petitioner, the petitioner is the sole legal heir of the deceased employee Tulukanam.

3. The learned counsel for the petitioner submits that the petitioner's brother in law that is the brother of late Tulukanam had filed a suit in O.S.No.3506 of 2016 before the VIII Assistant City Civil Court at Chennai which the suit was dismissed as abated as the petitioner's brother Shanmugam, the plaintiff therein died.

4. The learned counsel for the petitioner further submits that there is no impediment for the respondents to sanction family pension on account of the death of the petitioner's wife Tulukanam notwithstanding the fact that the petitioner is married to one Rani who is a close relative of late Tulukkanam.

5. Though an elaborate submissions have been made, this Writ Petition is disposed by directing the respondents to pass appropriate orders on the representation dated 05.09.2021 of the petitioner in accordance with the applicable rules governing the grant of pension to the employees of respondents Corporation within a period of three months from the date of receipt of a copy of this order.

6. In case the petitioner is entitled for family pension, the respondents may sanction the same by paying the pension together with the arrears to the petitioner. No costs.

Sd/-
Assistant Registrar(CS-V)

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Sub Assistant Registrar

rgm/arb



To

1. The Commissioner,
Corporation of Greater Chennai,
Ribbon Building,
Chennai - 600 003.

2. The Assistant Executive Engineer,
Chennai Corporation,
Zone IV, Division 39,
New Washermanpet,
Chennai - 600 081.

+2ccs to M/s.RR Associate, Advocate, S.R.No.56062

W.P.No.23133 of 2021

NK(CO)
RLP(24/11/2021)