



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.11.2021**

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**

W.P. (MD)No.4677 of 2018

Maimath Ammal

...Petitioner

/Vs./

1.The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
Office of the Superintending Engineer,
Madurai Distribution Circle,
K.Pudur, Madurai-625 007.

2.The Accountant General (A & E) Tamil Nadu,
No.261, Anna Salai,
Chennai-600 018.

...Respondents

PRAYER:- Writ Petition - filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to grant family pension and other attendant benefits to the petitioner on account of the demise of her husband namely Abdul Rahim, who retired as lineman from the 1st respondent Department.

For Petitioner	: Mr.M.Kannan
For R1	: Mr.T.Sakthikumaran
	Standing counsel
for R2	: Mr.P.Gunasekaran

ORDER

The petitioner, who was aged about 65 years at the time of filing of the writ petition, has sought a Mandamus directing the respondents to grant family pension as well as all other benefits consequent upon the employment of her husband, namely, Abdul Rahim, who retired as lineman from Tamil Nadu Generation and Distribution Corporation Limited (TNGDCL)/R1.

2. R2 being Accountant General (A & E) Tamil Nadu, is not a necessary party in this matter, seeing as they are not concerned with disbursement of any amount to the employees/family members of the employees of the State Government Corporation. This writ petition is dismissed as against R2.

3. The petitioner's husband was working as lineman in R1, superannuated on 31.07.1992 and expired on 03.02.2007. There is no dispute on receipt of pension by the husband, during his life time, post which, the petitioner had applied to R1 for grant of family



pension.

4. Admittedly, her representation dated 05.09.2017 seeking grant of family pension has been received by R1. However, a perusal of the same would indicate that the annexures necessary for processing of the application such as Death Certificate, Legal heirship certificate as well as other relevant documents have not been enclosed, though the petitioner appears to have obtained a legal heirship certificate in O.S.No.12 of 2009 before the District Munsif Court, Uthamapalayam. In such circumstances, it would be appropriate to permit the petitioner to appear before the first respondent and pursue her plea for family pension before him upon production of relevant documents.

5. Learned counsel for the petitioner would request that a date may be fixed in order to embark upon the above exercise. Upon concurrence of both counsels on this issue, the petitioner is permitted to appear through representative before R1 on 22.11.2021 at 10.30 a.m., with all relevant particulars in support of her request for family pension. After hearing the petitioner, let orders be passed upon the representation within four weeks thereafter.

6. This writ petition stands disposed as above with no order as to costs.

Sd/-

Assistant Registrar (CS-II)

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/ /2021

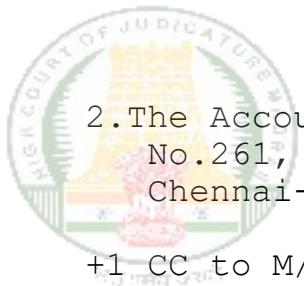
Sub Assistant Registrar(CS)

ssb

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,
Tamil Nadu Generation and Distribution Corporation Limited,
Office of the Superintending Engineer,
Madurai Distribution Circle,
K.Pudur, Madurai-625 007.



2.The Accountant General (A & E) Tamil Nadu,
No.261, Anna Salai,
Chennai-600 018.

+1 CC to M/s.M.KANNAN, Advocate (SR-34122[F] dated 11/11/2021)

WEB COPY
+1 CC to M/s.T. SAKTHIKUMARAN, Advocate (SR-34154[F] dated
11/11/2021)

W.P. (MD) No.4677 of 2018
10.11.2021

TSK(CO)
KB(19.11.2021) 3P 5C