



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.12.2021

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THE HON'BLE DR.JUSTICE ANITA SUMANTH

W.P. (MD) Nos. 13786 of 2018 and 1966 of 2019

and

WMP. (MD) No. 2477 of 2020

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W.P. (MD) No. 13786 of 2018

C. Baby

...Petitioner

Vs

1. The Superintending Engineer,
Kanyakumari Electricity Distribution Circle,
Kanyakumari District.
2. The Chief Internal Audit Officer,
Board Office Audit Branch,
Tamilnadu Electricity Generation and Distribution
Corporation Ltd.,
(TANGEDCO)
First Floor, Eastern Wing,
144, Annasalai, Chennai - 2.
3. The Internal Audit Officer,
Pension,
Audit Branch, NPKRR Maligai 1st Floor,
144, Annasalai,
Chennai -2.

... Respondents

Prayer : Petition filed under Article 226 of Constitution of India for the issuance of a writ of mandamus to direct the respondents to issue family pension to petitioner from the date of death of her husband dated 3.11.2012 and pass orders.

For Petitioner : Ms. V. Karthigaipriya
for Mr. K. P. Narayanakumar
For Respondents : Mr. T. Sakthi Kumaran,
Standing Counsel

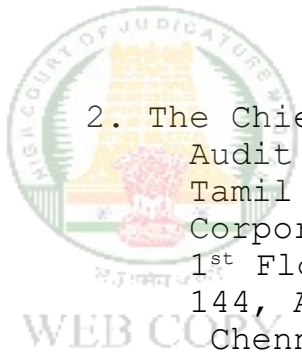
W.P. (MD) No. 1966 of 2019:

P. Lizzie@ Lizzie Ammal

...Petitioner

vs.

1. The Superintending Engineer,
Kanyakumari Electricity Distribution Circle,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
Parvathipuram,
Nagercoil - 629 003.



2. The Chief Internal Audit Officer,
Audit Branch,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
1st Floor, N.P.K.R.R. Maaligai,
144, Anna Salai,
Chennai - 600 002.

3. The Internal Audit Officer,
Pension Audit Branch,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
1st Floor, N.P.K.R.R. Maaligai,
144, Anna Salai,
Chennai - 600 002.

4. C. Baby

... Respondents

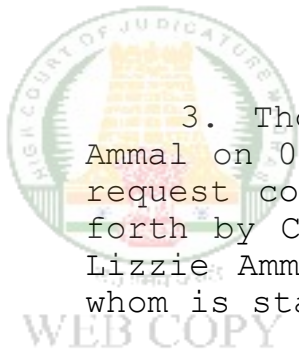
Prayer: Petition filed under Article 226 of Constitution of India for the issuance of a writ of mandamus, directing the respondents 1 to 3 to consider petitioner's representations dated 04.06.2018 and 20.09.2018 and pass suitable orders on merits and in accordance with law thereupon within a time frame as specified by this court and pass orders.

For Petitioner	: Mr. N. Mohammed Atif
For Respondents	: Mr. T. Sakthi Kumaran, Standing Counsel for R1 to R3 Ms. V. Karthigai priya for M/s. K.P. Narayana Kumar for R4

COMMON ORDER

One P.Anbiah had been employed with the Kanyakumari Electricity Distribution Circle and had retired from service as an Inspector of Assessment on 30.06.1993. He was issued a pension payment order and had been in receipt of pension till his demise on 03.11.2012. The petitioners before me have made rival claims for family pension payable on account of his services, to be paid to them.

2. No counter has been filed by the respondents in W.P.(MD)No. 1966 of 2019. However, a counter has been filed in W.P.(MD) No.13786 of 2018 by the first respondent. As per the counter, the records of the respondents disclose and declare that it is the petitioner in W.P.(MD) No.1966 of 2019 that is, P. Lizzie @ Lizzie Ammal and three daughters and one son who have been declared to be the family members of P. Anbiah.



3. Though representations had been filed by the said Lizzie Ammal on 04.6.2018 and 20.09.2018 for grant of family pension, the request could not be considered on account of the rival claim put forth by C. Baby. Pending writ petition, it appears that the said Lizzie Ammal has passed away leaving behind four children, one of whom is stated to be a special child.

4. In light of the rival claims that require adjudication upon various disputed facts, it would be appropriate that the claims for family pension are decided by R1 after calling upon the petitioners/their legal heirs. This conclusion is supported by a decision of the Hon'ble Supreme Court in the case of *Rameshwari Devi vs State of Bihar and Others* [(2000) 2 SCC 431] wherein a similar factual matrix was considered, involving rival claimants to retirements benefits.

5. The Court held, noticing the various twists and turns in regard to the factual aspects of the two marriages, that it is for the respondents to cause enquiry and arrive at a conclusion in regard to the veracity of the rival claims and the entitlements of the claimants to the retirement benefits.

6. Let notice be issued to the parties, granting them sufficient time to appear and put forth their claims. R1 shall thereafter pass a considered order taking note of the rival claims within a period of 12 weeks from today. Learned counsel for Lizzie Ammal would pray that her grand-daughter, one Kiruba, may be permitted to appear before the authorities on behalf of her children. While there is no bar as to who may represent the case of the petitioners before the authorities, let the authorities ensure that proper authorisation is provided by those purporting to appear and represent the petitioners.

7. The writ petition stands disposed as above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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,
Kanniyakumari Electricity Distribution Circle,
Kanniyakumari District.
2. The Chief Internal Audit Officer,
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Tamilnadu Electricity Generation and Distribution
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First Floor, Eastern Wing, 144, Annasalai, Chennai - 2.
3. The Internal Audit Officer,
Pension,
Audit Branch, NPKRR Maligai 1st Floor,
144, Annasalai, Chennai -2.

+1 CC to M/s.T.SAKTHIKUMARAN, Advocate, SR-40374, dated 23/12/2021

+1 CC to M/S.N.MOHAMED ASIF, Advocate, SR-40353, dated 23/12/2021

+1 CC to M/S.K.P.NARAYANA KUMAR, Advocate SR-40136, dated 23/12/2021

W.P. (MD) Nos. 13786 of 2018 and 1966 of 2019

and

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