



WEB COPY



W.P.No.9028 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

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C.Chinnammal

... Petitioner

Versus

1. The Accountant General and Audit,
Department of Pension and Entitlement,
No.361, Anna Salai, Teynampet,
Chennai-600 018.
2. Internal Audit Officer,
The Tamil Nadu Generation and Distribution
Corporation Limited,
Audit Branch,
NPKRR Maaligai 1st Floor,
No.144, Anna Salai,
Chennai-600 002.
3. The Superintending Engineer,
Vellore Electricity Distribution Circle,
TANGEDCO, Gandhi Nagar,
Vellore-632 006.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to sanction the pension of the petitioner's husband Chinnasamy in petitioner's favour and consequently,



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direct the respondents to disburse the pension benefits of petitioner's husband from the date of his death i.e. 17.05.2021.

For Petitioner : Mr.E.Kannadasan

For Respondents : Mr.P.Subramaniyan,
2 and 3 Standing Counsel

For respondent No.1 : No appearance

ORDER

The grievance of the petitioner is that till date, the pension amount payable to her deceased husband Chinnasamy has not been paid by the respondents herein. The petitioner claims to be the legally wedded wife of late Chinnasamy who was in employment with TANGEDCO. The petitioner has given several representations seeking for payment of the family pension on account of late Chinnasamy. The said representations have not been considered till date. Therefore, she has filed the present Writ Petition.

2. Heard Mr.E.Kannadasan, the learned Counsel appearing for the petitioner.

3. Mr.P.Subramaniyan, learned Standing Counsel for the respondents 2 and 3, on instructions would submit that since the petitioner is the second wife



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of the late Chinnasamy, the family pension has not been paid to her.

4. However, the learned Counsel for the petitioner would submit that the petitioner married Chinnasamy only after the death of his first wife and therefore, she is his legally wedded wife. No prejudice would be caused to the respondents, if the petitioner's representation seeking for payment of family pension on account of late Chinnasamy who was an employee of TANGEDCO is considered on merits and in accordance with law, within a time frame to be fixed by this Court. However, the petitioner will have to give a fresh representation to the respondents along with necessary documentary evidence to support her claim that she is the legally wedded wife of the late Chinnasamy.

5. For the foregoing reasons, this Court directs the petitioner to submit a fresh representation to the 3rd respondent seeking for payment of family pension on account of late Chinnasamy along with documentary evidence to prove her claim that she is the legally wedded wife of late Chinnasamy within a period of one week from the date of receipt of a copy of this Order. On receipt of the said representation, the 3rd respondent shall pass final orders on merits and in accordance with law, within a period of eight weeks thereafter.



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ABDUL QUDDHOSE, J

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6. With the aforesaid direction, the Writ Petition is disposed of. No costs.

12.12.2022

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Index: Yes/No

Speaking Order/Non-Speaking Order

To

1. The Principal Secretary to Government,
State of Tamil Nadu,
Labour and Employment Department,
Fort St. George, Chennai-600 009.
2. Regional Director,
Employees' State Insurance Corporation
143, Sterling Road, Panchdeep Bhavan,
Chennai-600 034.

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