



WEB COPY

W.P.No.23628 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.23628 of 2018

1. N.Rajammal
2. Indirani
3. C.G.Parvathi
4. Lakshmi

...Petitioners

Vs.

1. The Secretary to Government of Tamil Nadu,
Municipal Administration and Water Supply Department,
Secretariat, Chennai-600 009.
2. The Chairman,
Tamil Nadu Electricity Board,
Anna salai, Chennai-600 002.
3. The Superintending Engineer,
Coimbatore Electricity Distribution Circle,
Coimbatore- 641 012.
4. The Commissioner,
Corporation of Coimbatore,
Coimbatore-641 001.

...Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the 2nd respondent to disburse of the 'Family Benefit Fund' due to the petitioners herein along with the interest as if



the amount due to them was deposited in the Fixed Deposit of a nationalized bank within the reasonable time.

For Petitioners : Mr.G.Sudangan for
Mr.V.S.Jagadeesan

For Respondents :
For R1 : No Appearance
For R2 and R3 : Mr.P.Subramanian
for TANGEDCO
For R4 : Mr.K.Magesh

ORDER

The relief sought for in the present writ petition is to direct the second respondent Tamil Nadu Electricity Board to disburse the Family Benefit Fund, due to the petitioners along with the interest.

2. The petitioners state that they are the widows of the deceased erstwhile employees of the Electrical Department of the Corporation of Coimbatore. Their respective husbands died and it is not in dispute that the terminal and pensionary benefits, due to them, were already settled by the Tamil Nadu Electricity Board. The petitioners state that the second respondent has to disburse the Family Benefit Fund dues to the petitioners with interest.



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3. The Government of Tamil Nadu had introduced the scheme called Tamil Nadu Family Benefit Fund, with effect from 01.11.1994 and as per the above said scheme, a sum of Rs.1/-(Rupees One only) was collected from the monthly salary of the employees who had its subscription and in the event of the death of an employee while in service, a sum of Rs.10,000/- (Rupees Ten Thousand Only) was to be paid to the dependents of the deceased Government Servant. The subscription was periodically increased.

4. The contentions of the petitioners are that their husbands subscribed to the above said scheme and became the members of the fund and therefore, the petitioners who all are the widows of the deceased erstwhile employees of the Electricity Department of Corporation of Coimbatore are entitled for the Family Benefit Fund.

5. The learned counsel appearing on behalf of the Tamil Nadu Electricity Board made a submission that the husband of the first writ petitioner Smt.N.Rajammal, died on 22.03.1974, the husband of the second petitioner Smt.Indirani, died on 09.05.1985, the husband of the third



petitioner Smt.C.G.Parvathi, died on 06.11.1986 and the husband of the fourth petitioner Smt.Lakshmi, died on 17.01.1988. On account of the death of the husband of the respective petitioners, all the benefits due to them were settled during the relevant point of time.

6. The fourth respondent Corporation filed a counter stating that there is no record to establish that the husband of the writ petitioners contributed to the Family Benefit Fund and without the presence of any such record, the fourth respondent would not be in a position to settle any amount. That apart, the amounts due to the petitioners were already settled by the fourth respondent at the relevant point of time and during the year 1994, the entire service records of all the deceased employees were handed over to the Tamil Nadu Electricity Board and thus, the Corporation is not liable to pay any dues to the petitioners.

7. Further, it is brought to the notice of this Court that all the petitioners are now receiving family pensions in respect of the services rendered by their respective husbands with the fourth respondent Corporation. Beyond all these grounds, the deceased employees died in the



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years 1974, 1985, 1986 and 1988 but the writ petition has been filed in the year 2018, after several years from the date of the death of the deceased employee. The fourth respondent has submitted that the records have already been handed over to the Tamil Nadu Electricity Board and the deceased employees had not contributed any amount towards the Family Benefit Fund, and this Court cannot verify the service records at this length of time. Moreover, the writ petition is filed after a lapse of several years by the petitioners, who all are family pensioners and even at the time of the filing of the writ petition, the first writ petitioner was aged about 81 years.

8. Under these circumstances, this Court is not in a position to consider the relief as such sought for in the present writ petition. Accordingly, this writ petition stands **dismissed**. No costs.

26.10.2022

Index : Yes
Speaking order
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S.M.SUBRAMANIAM, J.

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To

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Municipal Administration and Water Supply Department,
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