



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:06.04.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

W.P. (MD)No.2775 of 2021
and WMP (MD) No.2272 of 2021

WEB COPY

Anandhi

... Petitioner

Vs.

1.The Chairman cum Managing Director,
Tamilnadu Electricity Board,
Tamilnadu Generation and Electricity Distribution
Corporation Limited,
Anna Salai, Chennai 600 002.

2.The Superintending Engineer,
Tamilnadu Generation and Distribution Corporation
No.B-18 Perumalpuram 2nd Street,
Tirunelveli, Tirunelveli District.

3.The Junior Engineer,
Tamilnadu Generation and Distribution Corporation
No.B-18 Perumalpuram 2nd Street,
Tirunelveli, Tirunelveli District.

4.Maria Beljat

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus to direct the respondents more particularly the respondent Nos.1 to 3 to disburse the terminal and pensionary benefits due to the death of the petitioner's husband namely Late Vijayakumar @ Joseph Chalton to the petitioner, forthwith.

For Petitioner	: Mr.J.Sankarapandian
For Respondents	: Mr.S.Arivalagan for R1 to R3 Mr.B.N.Raja Mohammed

ORDER

The relief sought for in the present writ petition is to direct the respondents 1 to 3 to disburse the terminal and pensionary benefits due to the deceased employee one Mr.Vijayakumar @ Joseph Chalton.

2. The petitioner states that she is the wife of one Mr.Vijayakumar @ Joseph Chalton, who was working in the respondent corporation, died in service. The petitioner approached the corporation for settlement of terminal benefits and pensionary



benefits including the family pension and the respondents 1 to 3 have not settled the said amount. Thus, the petitioner is constrained to move the present writ petition.

3. The learned counsel for the TANGEDCO made a submission that there is a counter claim in respect of the terminal and pensionary benefits of the deceased employee and the fourth respondent is also claiming to be the legally wedded wife. Thus, the TANGEDCO is unable to settle the same.

4. The learned counsel for the fourth respondent reiterated that the fourth respondent is the legally wedded wife of the deceased employee and the petitioner is not the wife of the deceased employee.

5. In reply, the learned counsel reiterated that the petitioner has got all right. Such disputes cannot be adjudicated in a writ proceedings. Disputes are to be decided between the parties based on the documents and evidences before the competent Court of law. The power of judicial review under Article 226 of the Constitution of India is to ensure the process through which the decision is to be taken by the proper authorities in consonance with the rules. Therefore, the disputes are to be adjudicated before the competent forum based on the documents and evidences, if necessary through oral evidence. This being the principles to be followed, the petitioner as well as the fourth respondent are at liberty to approach the competent Court of law for the purpose of resolving the disputes regarding their respective marital status with the deceased employee. Only after crystallization of the rights of the persons, either of the parties is at liberty to approach the TANGEDCO for appropriate relief.

With this liberty, the writ petition stands disposed of. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

RR

To

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