



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.18555 of 2019

Ganesan

... Petitioner

vs.

- 1.The District Collector,
Office of the District Collector,
Tiruchirappalli.
- 2.The Chairman,
Tamil Nadu Generation and Distribution Corporation,
(TANGEDCO)
Chennai-625 002.
- 3.The Superintendent Engineer,
Tamil Nadu Generation and Distribution Corporation
(TANGEDCO)
Namakkal District,
Namakkal.
- 4.The Executive Engineer,
Operation & Maintenance
Tamil Nadu Generation and Distribution Corporation
(TANGEDCO)
Namakkal(North)
Namakkal District.
- 5.The Executive Engineer,
Operation & Maintenance
Tamil Nadu Generation and Distribution Corporation
(TANGEDCO)
Valiyapatti-Thiruchenkodu,
Namakkal District.

6.Jeyagowri

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, to direct the respondents 1 to 5 to consider the petitioner's representation dated 28.06.2019 and 02.07.2019 and consequently, direct the respondents 1 to 5 to disburse the death benefits to the petitioner after verifying all the relevant records within the time stipulated by this Court.

For Petitioner	:	M/S.V.Muthumani
For R1	:	Mr.M.Ramesh Government Advocate
For R2 to R5	:	Mr.S.Arivalagan
For R6	:	Mr.S.Manikandan



ORDER

The relief sought for in the present writ petition is to direct the respondents 1 to 5 to consider the petitioner's representation dated 28.06.2019 and 02.07.2019 and consequently, to direct the respondents 1 to 5 to disburse the death benefits to the petitioner, after verifying all the relevant records.

2.The petitioner states that his brother one Mr.Ramesh, who married the sixth respondent during the year 1999. After the marriage, the sixth respondent deserted the brother of the writ petitioner during the year 2005 onwards. The sixth respondent filed a maintenance case before the Chief Judicial Magistrate, Namakkal and the petition was allowed with a direction to pay a sum of Rs.2,500/- to the sixth respondent. The petitioner states that his brother died on 04.04.2019.

3.The learned counsel for the petitioner as well as the learned counsel for the respondents made a submission that the sixth respondent was not divorced by the deceased employee. Therefore, as per the pension scheme, spouse of the employee is entitled for family pension and other benefits. Whiles the petitioner, who is the brother of the deceased employee, cannot claim any family pension benefits.

4.This apart, the sixth respondent filed a maintenance petition and also she was receiving maintenance from the deceased employee, during the relevant point of time. Taking note of all the factors, the relief as such sought for by the writ petitioner claiming terminal and pensionary benefits of his deceased brother, cannot be considered in the writ petition.

5.With these observations, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (Admin.I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

The District Collector,
Office of the District Collector,
Tiruchirappalli.

+1 CC to M/s.R.SUNDAR SRINIVASAN, Advocate (SR-22207[F] dated 28/04/2022)

+1 CC to M/s.SPL. GP (SR-22944[F] dated 29/04/2022)

W.P. (MD) No.18555 of 2019
28.04.2022

SS/01.06.2022 : 3P/4C

<https://hcservices.ecourts.gov.in/hcservices/>