



WEB COPY



Writ Petition No.3138 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.3138 of 2023

J.Vinobarathy

... Petitioner

Vs.

1. The Chairman,
Tamil Nadu Generation & Distribution Corporation Ltd.,
No.144, Anna Salai, Chennai – 2.
2. The Chief Engineer (Personnel),
Tamil Nadu Generation & Distribution Corporation Ltd.,
No.144, Anna Salai, Chennai.
3. The Chief Internal Audit Officer,
Audit Branch,
Tamil Nadu Generation & Distribution Corporation Ltd.,
No.144, Anna Salai, Chennai – 600 002.
4. The Deputy Chief Internal Audit Officer,
Audit Branch,
Tamil Nadu Generation & Distribution Corporation Ltd.,
Thennur, Trichy.
5. The Superintending Engineer,
Tamil Nadu Generation & Distribution Corporation Ltd.,
Thiruvarur.
6. The Executive Engineer (O&M),
Mannargudi, Thiruvarur District.

... Respondents



Writ Petition No.3138 of 2023

Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the second respondent in க.எண்.1850-1/நிபி.I/நிமே/நி உ.1/கோ.இ.நிப.ப./2021 and quash the same as illegal, arbitrary and against law and consequently direct the respondents to disburse the Death / Service benefits and other monetary benefits including family pension payable to her deceased husband M.Rajasekaran, who was working as a Assistant Engineer in the respondent Corporation.

For Petitioner : Ms.M.Abbiraami
For Respondents : Mr.K.Purushothaman
Standing Counsel

ORDER

This writ petition has been filed challenging the impugned proceedings of the fifth respondent dated 20.12.2021 and for a consequential direction to the respondents to disburse the death / service benefits and other monetary benefits including family pension payable to the petitioner.

2. The case of the petitioner is that her husband Rajasekaran was working as an Assistant Engineer in Electricity Board from 08.12.2008 onwards. He died on 20.10.2020 leaving behind the petitioner, his mother and his children.



3. The petitioner made a representation on 02.12.2020 to the fifth respondent seeking for terminal benefits of her husband. The fifth respondent did not consider the representation and hence a complaint was given to the District Collector during the grievance day and based on the directions given by the District Collector, the fifth respondent called upon the petitioner for an enquiry. Ultimately, the fifth respondent issued the impugned communication dated 20.12.2021, informing the petitioner that the husband of the petitioner had forged certain bills and had caused loss of a sum of Rs.65,19,950/- to the Department and hence the petitioner was asked to pay this amount and thereafter, seek for the terminal benefits. Aggrieved by the same, the present writ petition has been filed seeking for appropriate directions.

4. Heard Ms.M.Abbiraami, learned counsel for petitioner and Mr.K.Purushothaman, learned Standing Counsel, appearing for respondents.

5. In the considered view of this Court, the basis on which the fifth respondent has rejected the claim made by the petitioner, on the face of it, is illegal. Admittedly, no proceedings were initiated against the



husband of the petitioner when he was alive. After the demise of the husband of the petitioner, all of a sudden, the petitioner is being informed that loss was caused by her husband and therefore, she will not be entitled for any terminal benefits. That apart, the petitioner was also directed to deposit a sum of Rs.65,19,950/-. The determination of this amount by the fifth respondent was not based on any enquiry and the petitioner was not even put on notice regarding the illegality committed by her husband and the petitioner never had an opportunity to respond to the allegations that were put against her husband by the fifth respondent.

6. In any case, since no disciplinary proceedings were initiated against the husband of the petitioner during his lifetime, no punishment can be imposed against him after his demise and even if there was a cause of action against the husband of the petitioner to initiate disciplinary proceedings, the same died during the death of the husband of the petitioner.

7. In view of the same, the impugned proceedings of the fifth respondent refusing to even entertain the petition filed by the petitioner seeking for terminal benefits and directing the petitioner to deposit a sum



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of Rs.65,19,950/-, deserves to be interfered by this Court and accordingly, the same is hereby set aside.

8. The matter is remanded back to the file of the fifth respondent and the fifth respondent is directed to consider the representation made by the petitioner seeking for terminal benefits on its own merits and based on the entitlement of the husband of the petitioner and a final decision shall be taken within a period of six (6) weeks from the date of receipt of a copy of this order.

This writ petition is allowed with the above directions. No costs.

07.02.2023

Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order

rap/gm



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N.ANAND VENKATESH, J

rap

To

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