



W.P.No.3028 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2023

CORAM:

THE HONOURABLE DR.JUSTICE D. NAGARJUN

W.P.No.3028 of 2015

P. Amudha W/o. Late Periyasamy

... Petitioner

VS.

1. The Superintending Engineer,
Mettur Electricity Distribution Circle,
Tamil Nadu Electricity Board, Mettur Dam.

2. The Chief Internal Audit Officer,
Board of the Audit Branch,
Tamilnadu Electricity Board,
N.P.K.R.R. Maaligai, 1st Floor,
No.144, Anna Salai, Chennai-2.

3. Jayanthi W/o. Shanumugam
*[impleaded as per order dated 24.02.2015 in
W.M.P. No.3028 of 2015]*

4. Jayamani W/o. Periyasamy
*[impleaded as per order dated 27.07.2017 in
W.M.P. No.10530 of 2016]*

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus praying to direct the respondents 1 & 2 to pay family pension to the petitioner and her two



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minor children viz., Ponthamil and Nishanthini with effect from 11.06.2008 with all arrears and attendant allowances, benefits and continue to pay the same.

For Petitioners : Mr. T.L. Thirumalaisamy
For Respondents : Mr. K. Rajkumar [for R1, R2]
Mr. C. Jagadish [for R4]
No appearance [for R3]

JUDGMENT

(Judgment of the Court was made by DR. D. NAGARJUN, J.)

The petitioner's husband Periyasamy had initially married one Jayakodi, who had passed away. Periyasamy had two sons through Jayakodi, who also died at a young age. Her two sons also died at a young age. Subsequently, the said Periyasamy married the petitioner and through her, he got two children. The husband of the petitioner developed relationship with one Jayamani and there was no valid marriage between them and he got a daughter, through the said Jayamani. Periyasamy who was working in 1st Respondent Electricity Board, died leaving behind him the petitioner and her two children.

2. The petitioner being the legally wedded wife of Periyasamy has



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requested 1st respondent Board for grant of family pension and other terminal benefits with effect from 10.06.2008. However, on account of the objection made by Jayamani, the terminal benefits have not been released by the respondents 1 and 2 and in favour of the petitioner. Thereby, the petitioner sought for a suitable direction.

3. During the pendency of this Writ petition, said Jayamani, who was stated to be in relationship with the husband of the petitioner, was impleaded as 4th respondent and the daughter of said Jayamani, was impleaded as 3rd respondent.

4. It is submitted by the learned counsel appearing for the respondents 3 and 4 that Jayamani, the 4th respondent herein, is the legally wedded wife of the husband of the petitioner and the petitioner and the Periyasamy were in live-in relationship and that there was no valid marriage between them.

5. It is further submitted that the deceased Periyasamy has nominated the 4th respondent Mrs. Jayamani in the nomination papers to take the



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family pension and other terminal benefits of the petitioner and hence sought for dismissal of the claim of the petitioner.

6. The petitioner has obtained legal heir certificate on 19.12.2008 showing that the petitioner and her children are legal heirs of the deceased Periyasamy. Aggrieved by the same, the 4th respondent had filed O.S. No.718 of 2008 seeking declaration that the legal heir certificate issued in favour of the petitioner dated 19.12.2008 as null and void and sought for mandatory injunction to issue a 'Legal Heir' Certificate including the 3rd and 4th respondents as the legal heirs of the deceased Periyasamy. The said suit was decreed and based on the said decree, the concerned authorities have issued fresh 'Legal Heir' Certificate showing the 3rd and 4th respondents and children of the petitioner as legal heirs of Periyasamy and the name of the petitioner is not shown in the Legal Heir Certificate.

7. The learned counsel appearing for the 1st and 2nd respondents submitted that since the deceased Periyasamy has nominated the 4th respondent as the person to take the terminal benefits, normally the department would incline to pass on the terminal benefits of Periyasami to the 4th respondent.



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8. Considering the submissions made by both sides, since the petitioner is not legal heir of the deceased Periyasamy and the Legal Heir Certificate that has been issued by the concerned authorities showing the 3rd and 4th respondents as the legal heirs along with the children of the petitioner, the petitioner is not entitled for the terminal benefits of the deceased Periyasamy. However, the children of the petitioner through Periyasamy and respondents 3 and 4 are entitled for the terminal benefits.

9. In view of the same, this Writ petition is disposed of with a direction to the respondents 1 and 2 to disburse the terminal benefits of the deceased Periyasamy by taking into consideration the petitioner is not entitled for the terminal benefits and that legal heir certificate issued by the competent authority in favour of the respondents 3 and 4 and the children of the petitioner.

10. IN THE RESULT, this Writ Petition is disposed of. No Costs.

(D.N.R.J)
14.12.2023

mjs
Internet : Yes
Index: Yes/No
Neutral Citation: Yes/No



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To

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DR. D. NAGARJUN, J.,

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