



W.P.No.19623 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12..09..2023

Coram

THE HON'BLE MR JUSTICE N.SATHISH KUMAR

Writ Petition No.19623 of 2022  
and  
W.M.P.No.18927 of 2022

Palaniyammal

..... Petitioner

-Versus-

1.The Chairman cum Managing Director,  
TANGEDCO,  
10<sup>th</sup> Floor, NPKRR Maaligai,  
144, Anna Salai, Chennai 600 002.

2.The Chief Engineer – Distribution,  
TANGEDCO,  
EVN Road,  
Erode-638009.

3.The Superintending Engineer,  
Mettur Electric Distribution Circle,  
Mettur Dam-1.

4.The Internal Audit Officer,  
Audit Branch, TANGEDCO,  
NPKRR Maaligai (1<sup>st</sup> Floor),  
144, Anna Salai, Chennai 600 002.

..... Respondent



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Petition filed under Article 226 of The Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records in the impugned letter issued by the 3<sup>rd</sup> respondent vide K.No.014668-1/331/NiPi.2/U.2/Ko.Ku.O.U/2022 dated 24.06.2022 and to quash the same and further direct the respondents 1 to 4 to grant family pension to the petitioner through PPO No:30986.

*For Petitioner* : *Mr.V.Vijayakumar*

*For Respondent (s)* : *Mr.David Sundar Singh*  
*Standing Counsel for RR1 to 4*

### **ORDER**

This writ petition challenges the communication the 3<sup>rd</sup> respondent dated 24.06.2022 whereby the petitioner was informed that family pension for which she is entitled to consequent upon the death of her husband Ramasamy, a retired Line Inspector of the respondent corporation and a deceased pensioner for the failure of the petitioner to produce a certificate from the revenue department that both the names viz., Saroja and Palaniammal refer to her only.

2. The husband of the petitioner – Ramasamy, a retired Line Inspector and deceased pensioner. She is the only spouse and the only person entitled to receive the family pension. She was used to call as Saroja by her relatives, friends and neighbours. Though in the pension proposal, her name was



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mentioned as Palaniyammal as the wife of the deceased employee-Ramasamy, in the nomination with respect to Family Benefit fund on 22.03.1978, her name was mentioned as Saroja. This was the reason for the non-sanction of family pension to the petitioner. She was therefore directed to get a certificate that both Saroja & Palaniyammal refer to her only. But, she was informed by memorandum dated 05.07.2022 that no such certificate is being given by revenue department.

3. The respondents filed their counter inter alia contending that because of the two different names recorded in the service registers, which according to the petitioners refer to her only, she was directed to produce a certificate that both Saroja and Palaniyammal are one and the same from the jurisdictional Tahsildar of the revenue department. As she was unable to produce such a certificate, she was not sanctioned family pension.

4. This court has gone through the records placed in the form of typed set of papers. By mistake, the deceased employee in one place furnished the name of his spouse (petitioner herein) as Saroja by which name she was known in her family circle in the nomination in respect of Family Benefit Scheme, however,



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in the pension proposal, the deceased employee had given the name of the spouse (petitioner) as Palaniyammal correctly. There is no rival claim as of now. The petitioner claims that both Saroja and Palaniyammal refers to her only. The learned counsel for the petitioner on instructions, if the court directs she would submit a sworn-in affidavit regarding the fact that she was also known as Saroja in the family circle.

5. Considering the above, this court is of the view that it would be appropriate to direct the petitioner to submit an affidavit swearing in that she is also known as Saroja in the family circle and both the names Saroja and Palaniyammal refers to her only and an Indemnity Bond for the sum that may be prescribed by authority and to the satisfaction of the authority competent among the respondents. On receipt of such affidavit and indemnity bond, the authority competent among the respondents shall process the request of the petitioner for family pension in accordance with law and ensure that the family pension is sanctioned to the petitioner. The said exercise shall be completed by the authority concerned within a period of two months from the date of receipt of request of the petitioner for family pension along with affidavit and indemnity bond as directed above and the document, if any, that may be



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required for the process of the family pension. As there is nothing adverse in the order under challenge, it is not necessary to quash the same.

6. This writ petition is disposed of with the directions as indicated above.

No costs. Consequently, connected WMP is closed.

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Index : yes / no  
Neutral Citation : yes / no  
Speaking / Non Speaking Order  
kmk

To

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