



WEB COPY



W.P No.28067 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2023

CORAM

THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P No.28067 of 2021

Sathiya @ Krishnaveni

... Petitioner

Vs.

1.The Superintending Engineer,
TANGEDCO,
Capper Hills, Cuddalore,
Tamilnadu.

2.The Executive Engineer,
TANGEDCO,
Chidambaram, Tamilnadu

3. The Assistant Executive Engineer,
Srimushnam, Tamilnadu.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 3 pay the service and other terminal benefits in respect of the petitioner's deceased husband to the petitioner and to the petitioner's mother in law and also to direct the respondents 1 to 3 to pay monthly family pension to the petitioner.

For Petitioner : Mr.V.Ajayakumar

For Respondents : Mr.P.Subramanian,

Standing Counsel for TANGEDCO

ORDER



W.P No.28067 of 2021

This Writ Petition has been filed seeking issuance of Writ of Mandamus to direct the respondents 1 to 3 pay the service and other terminal benefits in respect of the petitioner's deceased husband to the petitioner and to the petitioner's mother in law and also to direct the respondents 1 to 3 to pay monthly family pension to the petitioner.

2. Heard Mr.V.Ajayakumar, learned counsel for the petitioner and Mr.P.Subramanian, learned Standing Counsel TANGEDCO appearing for the respondents.

3. The facts of case in brief are as follows:

The petitioner is the wife of deceased Purushothaman who was working as Assessor Gr.II in the respondents electricity board. He died on 16.06.2016 while he was in service and thereafter his terminal benefits have not been disbursed to his legal heirs. Aggrieved over that the petitioner who is the wife of the deceased Purushothaman has filed this writ petition seeking directions.

4. It is learnt from the submission of both sides learned counsels



W.P No.28067 of 2021

that the mother of the deceased Purushothaman has filed a civil case in OS.No.216/2016 on the file of the Additional District Munsif Court, Cuddalore for seeking declaration that herself and this petitioner are the only surviving legal heirs of deceased Purushothaman and hence, the respondents have to disburse one half share of the terminal benefits of deceased Purushothaman to the petitioner and the other half to the mother of the deceased Purushothaman.

5. In such case there is no difficulty for the respondents to disburse the terminal benefits in equal portion to the petitioner and the mother of the deceased Purushothaman, who is the decree holder in OS.No.216/2016. In fact the learned counsel for the petitioner submitted that the petitioner has filed an Appeal challenging the above judgment, the appeal has been filed so pending in A.S.No.10/2021 on the file of the Sub Court, Cuddalore and that was also dismissed on 20.12.2022. So far as the family pension is concerned, it seems that the matter has taken a different turn due to the second marriage conducted by the petitioner subsequent to the death of Purushothaman.

6. The learned standing counsel appearing for the respondents



W.P No.28067 of 2021

board submitted that the petitioner remarried one Dhesikan on 04.12.2016. The said fact was not disputed by the petitioner herself. So far as the family pension is concerned that can be given to the petitioner as per the rules. But the rest of terminal benefits can be done in accordance with the entitlement of the petitioner and the mother of Purushothaman as held in OS.No.216/2016 of the additional District Munsif Court, Cuddalore, within a period of three weeks.

7. With the above observations, this Writ Petition is **disposed** and the respondents 1 to 3 are directed to disburse the family pension to the petitioner and with regard to the rest of terminal benefits can be done in accordance with the entitlement of the petitioner and the mother of Purushothaman as held in OS.No.216/2016 of the additional District Munsif Court, Cuddalore, within a period of three weeks from the date of receipt of copy of this order. No costs.

04.10.2023

Index : Yes
Internet : Yes/No
jrs



W.P No.28067 of 2021

To

WEB COPY

1. The Superintending Engineer,
TANGEDCO,
Capper Hills, Cuddalore,
Tamilnadu.
2. The Executive Engineer,
TANGEDCO,
Chidambaram, Tamilnadu
3. The Assistant Executive Engineer,
Srimushnam, Tamilnadu.



WEB COPY



W.P No.28067 of 2021

R.N.MANJULA, J.

jrs

W.P No.28067 of 2021

04.10.2023