



W.P.(MD)No.15399 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.15399 of 2020

M.Pavalavalli

... Petitioner

Vs.

1. The Chairman-cum-Managing Director,
Tamil Nadu Electricity Generation and
Distribution Corporation Limited,
10th Floor, NPKRR Maaligai,
144, Annasalai,
Chennai – 600 002.

2. The Superintendent of Engineer,
Madurai Electricity Distribution Circle,
Tamil Nadu Electricity Generation and
Distribution Corporation Limited,
Madurai – 625 007.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records of the first respondent pertaining to the Letter No. 046154/889/F8/F81/PPO No.18197/2019, dated 24.12.2019 and quash the same and subsequently, directing the second respondent to sanction monthly family pension to the petitioner.



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For Petitioner : Mr.K.K.Samy

For Respondents : Mr.M.Parameswari

ORDER

This Writ Petition has been filed to call for the records of the first respondent in Letter No.046154/889/F8/F81/PPO No.18197/2019, dated 24.12.2019, quash the same and subsequently, direct the second respondent to sanction monthly family pension to the petitioner.

2. The case of the petitioner is that the petitioner's husband, namely, Muthu, was the employee of the first respondent Corporation and he was allowed to retire on attaining the age of superannuation on 31.07.1995. The petitioner's husband passed away on 21.05.2019. After the demise of the petitioner's husband, she was allowed to draw the family pension, since the petitioner's husband nominated her as his nominee to get life time pension. All of a sudden, based on the objection made by the 1st wife's son, namely, Rajasekaran, the pension was stopped from 13.01.2020. However, the stoppage of family pension is passed without hearing the petitioner and she was set exparte. Objecting the same, the petitioner has



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made representations on 09.03.2020 and 05.10.2020 to the second respondent and the same was not considered. Hence, the present Writ Petition has been filed.

3. The learned counsel appearing for the petitioner would submit that without hearing the petitioner, the family pension was stopped, which is not sustainable one. Hence, this Court, may issue a direction to the second respondent to conduct an enquiry between the petitioner as well as the 1st wife and thereafter, pass appropriate orders on merits and in accordance with law.

4. The learned counsel appearing for the respondents has no serious objection for such an order being passed by this Court.

5. It is seen from the records that neither the 1st wife nor her son is impleaded as respondents in this Writ Petition.



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6. Considering the limited request made by the learned counsel for the petitioner, this Court, without interfering the letter impugned in the present Writ Petition, directs the second respondent to conduct an enquiry between the petitioner and the 1st wife and thereafter, pass appropriate orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. After conducting enquiry, the second respondent is directed to sanction family pension to the eligible person.

7. With the above directions, this Writ Petition is disposed of. No costs.

02.02.2023

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

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