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W.P.No.4165 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2024

CORAM:

THE HONOURABLE DR.JUSTICE D. NAGARJUN

W.P.No.4165 of 2015

and

W.M.P. No.1 of 2015

Sundari W/o. M. Janarthanan

... Petitioner

vs.

1. The Chairman (Employment),
Tamil Nadu Electricity Board and
Distribution Corporation,
NPKRR Maaligai,
No.144, Anna Salai, Chennai-600 002.

2. Senior Executive Engineer,
Tamil Nadu Electricity Board and
Distribution Corporation,
NPKRR Maaligai,
No.144, Anna Salai, Chennai-600 002.

3. Chief Engineer,
Tamil Nadu Electricity Board and
Distribution Corporation,
NPKRR Maaligai,
No.144, Anna Salai, Chennai-600 002.

4. L. Maheswari D/o. Mr. Loganathan ... Respondents
[impleaded as per order in W.M.P.2 of 2015 dated 31.03.2015]

PRAYER: Writ Petition filed under Article 226 of the Constitution of

India praying to issue a Writ of Mandamus to direct the respondents to



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disburse terminal benefits and grant 50% of the monthly family pension to the petitioner with death benefits of deceased son Senthil.

For Petitioner : Mr. G. Thyagarajan.

For Respondents : Mr. David Sundar Singh

JUDGMENT

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

This petition is filed seeking to issue a Writ in the nature of Mandamus directing the respondents to disburse terminal benefits and grant 50% of the monthly family pension to the petitioner with death benefits of deceased son Senthil.

2. The petitioner's husband by name M. Janarthanan was working in the Tamil Nadu Electricity Board (TNEB), Kanchipuram District as Store Superintendent at Tiruvallur. Due to his health ailments, his elder son by name Senthil was appointment in the Respondents' Board. He got married with the 4th respondent. Entire family members of the petitioner were depending on the income earned by the elder son of the petitioner. Unfortunately, the elder son of the petitioner Senthil expired on 07.12.2009.



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3. Subsequently, the 4th respondent, who is the wife of the deceased Senthil, has deserted her matrimonial home. The family members of the petitioner were unable to take care of their necessary and minimum needs of day-to-day affairs due to huge financial constraints. Having no other alternate, the petitioner submitted representations to the respondent Board on many occasions requesting to disburse terminal benefits and grant 50% of the monthly family pension with death benefits of deceased son to the petitioner, but it was not considered. Therefore, the present Writ petition is filed.

4. A counter affidavit has been filed by the respondents stating that the younger son of the petitioner is not a legal heir to the deceased Senthil and hence compassionate appointment was given to the 4th respondent, who is the wife of the deceased Senthil, as per the Board's Rules and the wife of the deceased is entitled as per Tamil Nadu Pension Rules to receive the family pension and there is no provision in the Tamil Nadu Pension Rules to sanction family pension to the mother.

5. Heard both sides'. Perused all the materials available on record.



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6. Learned counsel for the respondents 1 to 3 has submitted that as per the proceedings of the department dated 23.04.2013, the terminal benefits were paid to the petitioner and the 4th respondent proportionately. The respondents have also filed copy of the proceedings to show that the 4th respondent has received Rs.40,484/- towards 50% of the pension for the month of November 2023. It is further submitted that in the meanwhile the petitioner who sought for 50% of the pension has passed away. Since petitioner herself is no more, cause does not survive any more in this Writ petition to disburse the terminal benefits proportionately to the petitioner and the respondent No.4.

7. In view of the above, this Writ petition becomes infructuous, thereby stands dismissed. There shall be no order as to costs. Connected miscellaneous petition is closed.

01.02.2024

mjs

Internet : Yes

Index: Yes/No

Neutral Citation: Yes/No



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DR. D. NAGARJUN, J.,

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