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W.P.No.25630 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.25630 of 2024
and
W.M.P.No.27990 of 2024

Mesiyal

.. Petitioner

Vs.

1.The Chairman TANGEDCO,
NPKKR Maaligai,
144, Anna Salai,
Chennai – 600 002.

2.Internal Audit Officer,
TANGEDCO,
NPKKR Maaligai,
144, Anna Salai,
Chennai – 600 002.

3.The Superintending Engineer,
MEDC, Mettur Dam,
Mettur – 636 401.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the 2nd respondent with reference to the impugned No.011632/298/F.7/F73/PPO No.35393/2022 dated 29.04.2022 and to quash the same as illegal, unjust and arbitrary and to direct the respondents to grant family pension to the petitioner.



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For petitioner : Mr.D.Anand Raja
For Respondents : Mr.K.Rajkumar
Standing Counsel

ORDER

This writ petition has been filed challenging the impugned proceedings of the 2nd respondent dated 29.04.2022 and for a consequential direction to the respondents to grant family pension to the petitioner.

2.Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

3.The case of the petitioner is that her father was working as a Helper at TANGEDCO. He attained superannuation and retired from service on 30.06.2000. He was drawing pension during his lifetime. The mother of the petitioner pre-deceased her father.

4.The further case of the petitioner is that she got married in the year 1987 and out of the wedlock, three children were born. However, there was a serious misunderstanding between the petitioner and her husband. Hence, she left her matrimonial home and started living with



her father from April, 2013 onwards. Thereafter, the petitioner also filed IDOP No.147 of 2015 before the Principal District Judge, Namakkal, seeking for dissolution of the marriage. By judgment dated 03.10.2017, the petition was allowed and the marriage was dissolved.

5.The father of the petitioner during his lifetime made a request to TANGEDCO for granting family pension to the petitioner after his lifetime. Unfortunately, he died on 09.07.2017. The pension also seems to have been continued till May 2022.

6.The petitioner made an independent representation for granting family pension during March, 2019. According to the petitioner, the respondent also sanctioned family pension through proceedings dated 22.03.2019 and by virtue of the same, the petitioner was receiving family pension till May, 2022.

7.The grievance of the petitioner is that the 2nd respondent through proceedings dated 29.04.2022, straightaway stopped the payment of family pension to the petitioner on the ground that the petitioner was not a dependent on her father and she is already married. The said order of the 2nd respondent has been put to challenge in the present writ petition.



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8. In the considered view of this Court, the family pension was sanctioned in favour of the petitioner and the petitioner seems to have received the family pension till May, 2022. If the 2nd respondent wanted to conduct an independent inquiry and verify if the petitioner was dependent on her father, an opportunity should be given to the petitioner and necessary verification could have been made by calling for a report from the Tahsildar belonging to the concerned Taluk. The Tahsildar after proper verification can even issue a certificate if the petitioner is really deserted woman and she was actually living with her father and was dependent on him. Without doing so, the 2nd respondent has straightaway passed an order by stating that the petitioner was not dependent on her father. It is not known as to how the 2nd respondent came to such a conclusion even without conducting an inquiry and collecting necessary materials.

9. In the light of the above discussion, this Court has no hesitation to interfere with the impugned proceedings of the 2nd respondent dated 29.04.2022 and the same is hereby quashed. The matter is sent back to the file of the 2nd respondent. The 2nd respondent is directed to get the necessary certificate from the Tahsildar and can inquire to find out if the



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petitioner is dependent on her father. The petitioner shall also be given an opportunity of hearing. Thereafter, the 2nd respondent shall pass fresh orders on its own merits and in accordance with law within a period of eight (8) weeks.

10. In the result, this Writ Petition stands allowed with the above directions. Consequently, the connected Miscellaneous Petition is closed.
No costs.

05.09.2024

krk

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

To

1. The Chairman TANGEDCO,
NPKKR Maaligai,
144, Anna Salai, Chennai – 600 002.
2. Internal Audit Officer,
TANGEDCO, NPKKR Maaligai,
144, Anna Salai, Chennai – 600 002.
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N.ANAND VENKATESH, J.

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