



WEB COPY



W.P.No. 6325 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2024

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.6325 of 2024

and

W.M.P.Nos.7030 & 7031 of 2024

G.Sivasankari

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Petitioner

Vs

1. The Managing Director,
Tamil Nadu Generation and
Distribution Corporation Limited,
144, Anna Salai,
Chennai – 02.

2. The Internal Audit Officer,
Tamil Nadu Generation and
Distribution Corporation Limited,
Audit Branch, NPKRR Maaligai,
144, Anna Salai, Chennai – 02.

3. The Principal Accountant General,
(Accounts & Entitlements), Tamil Nadu,
No.361, Anna Salai,
Chennai – 600 018.

4. The Superintending Engineer,
Tamil Nadu Generation and
Distribution Corporation Limited,
Dharmapuri Circle,
Dharmapuri – 05.

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Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India

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praying to issue a Writ of Certiorarified Mandamus calling for the records in Lr.No.038557/1246/F6/F62/PPO24262/2022, dated 28.03.2022 passed by the second respondent and quash the same and consequently directing the respondents may be consider the representation of the petitioner dated 13.03.2023.

For Petitioner : Mr.R.K.Gandhi
For R1, R2 & R4 : Mr.K.Rajkumar
Standing Counsel

ORDER

This Writ Petition has been filed challenging the order dated 28.03.2022 in Lr.No.038557/1246/F6/F62/PPO24262/2022 passed by the second respondent, thereby rejected the claim of the petitioner seeking family pension.

2. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents 1, 2 & 4 and perused the materials available on record.

3. The petitioner's father was working as a Special Maintenance/Level I Agent in the first respondent department and while he was in service, he died on 02.03.1997. The petitioner got married to one Raghu in the year 1995 and thereafter, due to difference of opinion, they got



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separated. There was divorce agreement as Muchalikha was established between them on 29.01.1997. Thereafter, she got separated from her husband. Subsequently, the petitioner filed a petition for divorce in O.P No.64 of 2020 on the file of the Family Court, Dharmapuri and by a Judgment and Decree dated 25.01.2024 decree of divorce was granted. After demise of her father, her mother also died on 23.05.2018. Therefore, the petitioner submitted a representation claiming family pension on the ground that she is a divorcee.

4. Admittedly, at the time of death of her father, the petitioner did not possess a divorce decree from a Court. Though there was an agreement between herself and her husband, it is not a decree of divorce in the eye of law. That apart, after demise of her father, her mother was alive and she had received pension till her demise on 23.05.2018. Only after her mother's demise, the petitioner filed an application for divorce in O.P.No.64 of 2020 and decree of divorce was granted on 25.01.2021. Therefore, the claim of the petitioner was not considered for family pension.

5. In view of the above, this Court finds no infirmity or illegality in the order dated 28.03.2022 in Lr.No.038557/1246/F6/F62/PPO24262/2022 passed by the second respondent. Thus, the writ petition itself is



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devoid of merits and it is liable to be dismissed. Accordingly, this Writ Petition stands dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

12.03.2024

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No
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G.K.ILANTHIRAIYAN, J.

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