



W.P.(MD).No.2009 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.04.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.2009 of 2021

A.Chellammal

...Petitioner

Vs.

1.The Audit Officer,
Audit Branch, TANGEDCO,
No.144, Anna Salai,
Chennai.

2.The Superintendent Engineer,
TANGEDCO Limited,
Pudukkottai Distribution Circle,
Near Old Bus Stand,
Pudukkottai.

3.Gokulnath

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 and 2 to sanction the Family Pension of the deceased husband to the petitioner with effect from 29.08.2010 with all consequential benefits along with interest at the rate of 12% by considering the petitioner's representation dated 07.08.2020.



W.P.(MD).No.2009 of 2021

For Petitioner : Mr.R.Paranjothi
For R-1 & R-2 : Mr.B.Ramanathan,
Standing Counsel
For R-3 : Mr.Jegedeeshwaran

ORDER

The present writ petition has been filed seeking direction to the respondents 1 and 2 to sanction the Family Pension of the deceased husband to the petitioner with effect from 29.08.2010 with all consequential benefits along with interest at the rate of 12% by considering the petitioner's representation dated 07.08.2020.

2. The brief facts which are necessary for the disposal of this Writ Petition is as follows:-

(i) The petitioner's husband one Nagarajan served in the Electricity Department for the past 30 years and retired on 31.05.2006 while serving as Commercial Inspector in the office of the Assistant Executive Engineer, Adanakottai, Gandharvakkottai Taluk, Pudukkottai District. After retirement,



W.P.(MD).No.2009 of 2021

he was receiving pension in Pension Payment Order No.61417. He passed away on 29.08.2010 leaving behind the petitioner, his sons namely N.Vellaichamy, N.Saravanan and daughters namely Pandiselvi and Kanigaselvi as his legal heirs. After the death of the petitioner's husband in the year 2010, she submitted an application for family pension. However, the same was returned from the office of the 2nd respondent, vide letter dated 16.08.2012 informing that the application has to be submitted to the 1st respondent. Thereafter, as required by the 2nd respondent with all necessary documents, the petitioner made an application to the 1st respondent seeking family pension.

(ii) Even after the same, her application was not considered and appropriate orders were not passed. Thereafter, on the direction of the 2nd respondent, she further made a fresh application to the respondents on 07.08.2020. Pursuant to the same, the 1st respondent vide proceedings dated 25.09.2020 directed the 2nd respondent to enquire as to the letter written by the 3rd respondent who is alleged to be the son of the 2nd wife of the petitioner's husband. The 2nd respondent duly conducted an enquiry and the report was also forwarded to the 1st respondent. Even after the said letter, the petitioner's



W.P.(MD).No.2009 of 2021

application was not considered. In view of the same, this writ petition came to be filed.

3. The learned counsel appearing for the petitioner submitted that without conceding that the 3rd respondent is the son of the deceased Nagarajan through his second wife, he will not be entitled to the family pension and the petitioner being the first wife of the deceased is only entitled to the family pension. On that basis, he pressed for allowing the writ petition.

4. Heard, the learned Counsels on either sides. Carefully perused the materials available on record.

5. Considering the limited scope of relief sought for by the petitioner herein, this Court hereby direct the respondents 1 and 2 to consider the petitioner's representation dated 07.08.2020 and pass appropriate orders in accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of this order.



W.P.(MD).No.2009 of 2021

WEB COPY

6. Accordingly, this Writ Petition is disposed of. No costs.

03.04.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml

To

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W.P.(MD).No.2009 of 2021

L.VICTORIA GOWRI, J.

Sml

W.P.(MD).No.2009 of 2021

03.04.2024