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W.P.No.32582 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 3/4/2025

C O R A M

The Hon'ble **Mrs.JUSTICE V.BHAVANI SUBBAROYAN**

Writ Petition No.32582 of 2023

1. P. Chinnapappa
 2. P. Sangeetha
 3. P. Saravanan
- ... Petitioners

Vs

1. The Chief Engineer (Personnel)
Tamil Nadu Generation and
Distribution Corporation Limited
NPKRR Building
No.144 Anna Salai
Chennai 600 002.
 2. P. Vinothkumar
 3. P. Vinothini Parthiban
 4. P. Vijayakumar
- ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the first respondent to disburse the pension and other benefits entitled to the petitioners, by favourably considering the petitioner's representation dated 31/5/2022.



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For petitioner	...	Mr.T.R.Sivaram
For respondents	...	Mr.P.Subramanian Standing Counsel for R.1
		Mr.G.Krishna Kumar for R.2
		No appearance for R.3
		R.4 – Not ready in notice

ORDER

This writ petition has been filed to direct the first respondent to disburse the pension and other benefits entitled to the petitioners, by favourably considering the first petitioner's representation dated 31/5/2022.

2. The case of the petitioners is that the first petitioner had submitted a representation on 31/5/2022 to the first respondent seeking to disburse the pension and other benefits entitled to the first petitioner, as her husband died in harness on 8/4/2021. The first petitioner married the deceased employee on 5/2/1995, after the demise of his first wife in 1993, due to ill health. The deceased employee had two male children and one female child



through the first marriage and through the first petitioner, one male child and one female child.

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3. The deceased employee was appointed in Tamil Nadu Electricity Board on 6/1/1997, after the solemnization of his marriage with the first petitioner. On the demise of the first petitioner's husband, she obtained a legal heir certificate on 9/5/2022, wherein the petitioner, her children, as well as the first wife's children names were shown as legal heirs. Being the widow of the deceased employee, the first petitioner is entitled to the family pension and other benefits. Hence, made a representation dated 31/5/2022, to the first respondent, but the same was not considered. Therefore, the petitioner was constrained to file the above writ petition for the aforesaid relief.

4. The Chief Engineer/Personnel, TNPDC, 144 Anna Salai, Chennai has filed a counter affidavit, wherein it is stated that even though the Assistant Executive Engineer, Gingee has called upon the petitioners as well as the rival private respondents to send the requisite relevant documents and certificates, they have not yet submitted the same. Due to



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the rival claims over the terminal benefits and pensionary benefits between the petitioners and private respondents 2 to 4, terminal and pensionary benefits could not be settled.

5. Perused the materials available on record.

6. The facts narrated above are not disputed and hence the same are not traversed to avoid repetition. The status of the first petitioner as the legally wedded wife of the deceased employee cannot be doubted. The first petitioner married the deceased employee in 1995 much after the death of the first wife in the year 1993. As the first wife died much before the second marriage of the first petitioner, the first petitioner's marriage is legally valid and hence, the first petitioner cannot be denied the status of a legal wife.

7. In such a view of the matter, this Court direct the respondents to consider the case of the first petitioner and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.



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8. With the above direction, this writ petition is disposed of. No costs.

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mvs.

Index: Yes/No

Neutral citation: Yes/No

To

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