



W.P.No.29683 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2025

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.29683 of 2018 and
W.M.P.No.34648 of 2018

- 1.C.Mani (Deceased)
- 2.Govindammal
- 3.M.Ayyadurai
- 4.M.Manimekalai

(P2 to P4 are substituted as Lrs of the deceased first petitioner as per order dated 06.12.2024 in W.M.P.No.23729 of 2024)

... Petitioners

Vs.

- 1.The Chairman,
Tamil Nadu Generation & Distribution Corporation,
No.144, Anna Salai, Chennai 600 002.
- 2.The Chief Engineer / Personnel,
Tamil Nadu Generation & Distribution Corporation,
No.144, Anna Salai, Chennai 600 002.
- 3.The Superintending Engineer,
Mettur Electricity Distribution Circle,
Tamil Nadu Generation & Distribution Corporation,
Mettur Dam -1, Salem District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order in Memo No.068757/272/G.19/G.192/2016-6 dated 01.02.2017 on the file of the second respondent and quash the same and direct the respondents to provide pension to the petitioner taking into consideration of service of the petitioner from continuous service from 01.02.1995 to 04.04.2005.

For Petitioners : Mr.M.P.Rajavelayutham
For Respondents : Mr.C.Ramkumar

ORDER

This Writ Petition has been filed to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order in Memo No.068757/272/G.19/G.192/2016-6 dated 01.02.2017 on the file of the second respondent and quash the same and direct the respondents to provide pension to the petitioner taking into consideration of service of the petitioner from continuous service from 01.02.1995 to 04.04.2005.

2. Heard Mr.M.P.Rajavelayutham, learned counsel for the petitioner, Mr.C.Ramkumar, learned Standing Counsel for the respondents and perused the materials available on record.



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3. During the pendency of this Writ Petition, the first petitioner died and his legal heirs have been added as petitioners 2 to 4.

4. The deceased petitioner Mani has joined as Helper in the third respondent's office on 01.02.1995. He met with an accident while he was on duty on 08.10.1998 and sustained injury on his leg. Later, he joined duty on 24.06.1999 and worked till 24.07.2002. The first petitioner was not in a position to carryout any office work and he was allowed to sign the attendance register. The salary was paid to him without getting any work from him. It is submitted that the first petitioner was absent from 25.07.2002 till the date of medical invalidation given on 04.04.2005 and he was relieved on 20.05.2005. Now, the first petitioner claims that his services between 01.02.1995 to 20.05.2005 can be considered as a qualifying service for getting pensionary benefits.

5. The learned Standing Counsel for the respondents submitted that the first petitioner did not give any medical certificate for the period of his absence from 25.07.2002 to 04.04.2005 and hence, according to



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the Tamil Nadu Pension Code Rule 18, such leave availed without medical certificate shall not be included for the qualifying service.

6. The learned counsel for the petitioners submitted that the first petitioner has submitted the medical certificate long back on which no order has been passed until he was relieved from service. The respondents are aware of the fact that the first petitioner had sustained injury and he was incapable to work even during those periods for which the first petitioner was present.

7. As per the contention of the learned counsel for the respondents, the first petitioner was not in a position to carry out any work and he simply signed the attendance register. So there is every possibility that the first petitioner could have given medical certificate, but the respondents did not consider the same and passed orders by considering the period of his absence as extraordinary leave without medical certificate. As the very condition of the first petitioner itself is medical invalidation, the first petitioner's absence could have been considered as



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an extraordinary leave on medical grounds. Had it been done, the deceased first petitioner could have got the qualifying service of 10 years for getting pensionary benefits.

8. However, the learned Standing Counsel for the respondents further submitted that the third petitioner has been given with the compassionate appointment by considering the first petitioner's medical invalidation.

9. In such circumstances, I feel this Writ Petition may be allowed for the limited purpose of allowing the second petitioner to avail family pension by considering the deceased first petitioner's service between 01.02.1995 to 20.05.2005 as qualifying service for pensionary benefits. However, it will not qualify the petitioners 2 to 4 to get the arrears of pension that might be payable to the deceased first petitioner.

10. In the result, this Writ Petition is partly allowed and the impugned order in Memo No.068757/272/G.19/G.192/2016-6 dated



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01.02.2017 is set aside. The second respondent is directed to pass an order sanctioning family pension to the second petitioner after verifying the relevant documents by considering the deceased first petitioner's services between 01.02.1995 to 20.05.2005 as qualifying service for the said benefit. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes /No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk

12.02.2025



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WEB COPY

To

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R.N.MANJULA, J.

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