

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

WP.No.27396 of 2011

Isrevel Aasai
Petitioner

..

Vs

1.The Deputy Commissioner (Education)
Corporation of Chennai
Rippon Building
Chennai-600 003

2.The Educational Officer
Education Department
Corporation of Chennai
Chennai-600 003

3.The Assistant Educational Officer
Education Department
Corporation of Chennai
Chennai-600 003

..

Respondents

Prayer:- This Writ Petition is filed, under the Article 226 of Constitution of India, to issue a writ of Certiorarified Mandamus calling for the records of the 3rd respondent in his proceedings Ka.Thu.Na.Ka.No.C5/2707/2009 dated 28.11.2009 and quash the same and further direct the respondents to grant all death benefits of the Petitioner's mother.

For Petitioner : Mr.B.Jawahar

For Respondents : Mr.Anantha Rangam
Standing counsel for
Corporation of Chennai.

ORDER

This Writ Petition is filed praying to issue a writ of Certiorarified Mandamus to call for the records of the 3rd respondent in his proceedings Ka.Thu.Na.Ka.No.C5/2707/2009 dated 28.11.2009 and quash the same and to direct the respondents to grant all death benefits of the Petitioner's mother.

2. It is averred in the Writ Petition that the Petitioner's mother Ganammal joined as Noon Meal Assistant in Chennai Corporation Middle School on 05.09.1984 and due to health problems, she died on 26.02.2001 while she was on duty. According to the Petitioner, he approached the respondents claiming death benefits of Ganammal on 23.02.2009. The 2nd respondent through his proceedings dated 03.09.2009, directed to furnish documents to claim the death benefits viz., death certificate and Legal Heir Certificate. The Petitioner also submitted the documents. The 3rd respondent through impugned proceedings dated 28.11.2009 stated that since there is a contradiction between the age of petitioner's mother and the age of Petitioner's elder brother, the death benefits cannot be granted. Challenging the same, the present Writ Petition is filed

3. The age of Petitioner's mother is mentioned as 55 years in the death certificate at the time of her death, whereas in the Legal Heir Certificate dated 05.03.2009 issued by the Thasildar, Purasaiwakkam, the age of Petitioner's elder brother has been mentioned as 59 years. Due to the said discrepancy, the 3rd respondent negatived the claim of death benefits to the Writ Petitioner.

4. The learned counsel for the Petitioner submits that the only discrepancy pointed out by the 3rd respondent is that in the legal heir certificate, the age of the mother and elder brother of the Petitioner has been wrongly stated and that is solely because of the mistake crept in at the time of filling up of the application filed before the Revenue Authorities, seeking Legal Heir Certificate. The learned counsel further submits that just because of error in the age of family members, death benefits cannot be rejected to the Writ Petitioner.

5. On the other hand, the learned Standing counsel appearing for the Corporation would submit that the respondents could grant death benefits to the Petitioner, only on fullest satisfaction of the documents enclosed along with the application claiming such benefits. Once there is discrepancy or error in the documents produced by the Petitioner, the Petitioner is not entitled for any relief.

6. Considering the facts and circumstances of the case, this court is of the view that an opportunity could be granted to the Writ Petitioner to approach the concerned Revenue authorities seeking Legal Heir Certificate and produce the necessary documents before the concerned authority claiming death benefits.

7. In view of the above discussion, this court comes to the conclusion that unless the error viz., the age of the Petitioner's mother and his elder brother is rectified or modified in the legal heir certificate issued by the Tahsildar, the relief sought for in this writ petition cannot be granted. Accordingly, the writ Petition is dismissed with the above direction. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

nvsri

To

1.The Deputy Commissioner (Education)
Corporation of Chennai,
Rippon Building, Chennai-600 003.

2.The Educational Officer,
Education Department,
Corporation of Chennai,
Chennai-600 003.

3.The Assistant Educational Officer,
Education Department,
Corporation of Chennai,
Chennai-600 003.

+1 cc to Mr.M.V.Deenadayalan, Advocate SR.No.1274

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RSI (CO)
CSL/12.02.2019

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