

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR

W.P.No.11402 of 2016 and
W.M.P.No.9860 of 2016

1.P. Kanchana
2.P. Mahesh
3.P. Senthil Kumar
4.P. VijayakumarPetitioners

Vs

1.The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Chennai - 600 002.
2.The District Collector, Chennai.
[R2 suo motu impleaded as per order
dated 22.01.2020 made in W.P.No.11402 of 2016]
...Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records connected with the proceedings issued in Letter No.057148/Vai.Nithi/Aviyoga/2015, dated 23.02.2016 passed by the respondent herein and quash the same and consequently direct the respondent to sanction family pension and other pensionary benefits admissible to the petitioners.

सत्यमेव जयते

For Petitioners : Mr.S. Ilamvaludhi

For Respondent : Mr.R.P. Prathap Singh
For Sole Respondent

ORDER

This writ petition has been filed by the writ petitioner seeking to call for the records connected with the proceedings issued in letter No.057148/Vai.Nithi/Aviyoga/2015, dated 23.02.2016 by the respondent herein and quash the same and

consequently direct the respondent to sanction family pension and other pensionary benefits admissible to the petitioners.

2. According to the first petitioner, her husband viz., R.Perumal, joined in the services of the Tamil Nadu State Transport Corporation as "Trade Man". Subsequently, he retired from service as "Senior Trade Man" on attaining the age of superannuation on 30.09.2000. After retirement of her husband, he died on 14.05.2013 due to throat cancer. It is submitted that while joining in service, her husband's name has been mentioned as R.Perumal in the service register, whereas in the Death Certificate issued by the Corporation of Chennai, Ration Card and the Legal heirship Certificate and other Revenue Records issued by the Revenue Department, the first petitioner husband's name has been mentioned as R.Parthasarathy. After the retirement of the deceased husband, the respondents have sanctioned pension and he has drawn the same till his death. Later on, the family pension amount has not been sanctioned to her so far. Thereafter, the writ petitioner has approached the Tahsildar, Mambalam Taluk, Chennai, for correcting the Revenue Records as R.Parthasarathy, but the first respondent has not considered the request of the petitioner. Therefore, the first respondent has not accepted the said certificates issued by the Tahsildar, Mambalam, Taluk, Chennai, but the first respondent directed the petitioner to approach the Court seeking appropriate orders for correction of the name of the petitioner's husband as R.Parthasarathy, as the name of her husband has been recorded in the Tamil Nadu State Transport Corporation documents, as R. Perumal.

3. The learned counsel appearing for the Transport Corporation submitted that the Tahsildar has issued the death certificate to the writ petitioner which cannot be accepted as a genuine one. As per the service register, the first writ petitioner's husband name was mentioned as R. Perumal, but it was not reflected as R.Parthasarathy.

4. The aforesaid certificate was obtained from the Tahsildar by the petitioners and the same was produced by stating that the aforesaid R.Perumal and R.Parthasarathy are one and the same person. Therefore, the respondent Corporation has not agreed and directed the writ petitioner to approach the Court and obtain appropriate orders from the Court. After the service of notice of the parties, both the parties have agreed to verify the genuineness of the certificate issued by the Tahsildar and the same shall be referred to the Revenue Divisional Officer. The second respondent/The District Collector, Chennai, shall conduct enquiry and take a decision based on the aforesaid certificate issued by the Tahsildar.

5. In view of the above submissions made by the learned counsel on either side, this Court is inclined to issue the following directions:-

(i) The impugned proceedings No.057148/Vai.Nithi/Aviyoga/2015, dated 23.02.2016 passed by the first respondent herein, is hereby quashed and the matter is remanded back to the Tamil Nadu State Transport Corporation Limited.

(ii) The second respondent/District Collector is directed to conduct an enquiry to verify the genuineness of the certificate issued by the Tahsildar, Mambalam Taluk, Chennai, dated 13.10.2015 in accordance with law, after giving an opportunity to the parties concerned.

(iii) Based on the relevant report submitted by the District Collector, the first respondent is directed to consider the petitioner's representation dated 26.08.2015 and pass appropriate orders on merits and in accordance with law.

(iv) The second respondent/District Collector is directed to complete the enquiry as expeditiously as possible within a period of eight weeks (8) from the date of receipt of a copy of this order.

(v) With the above observations and directions, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(J)

//True Copy// सत्यमेव जयते

Sub Assistant Registrar

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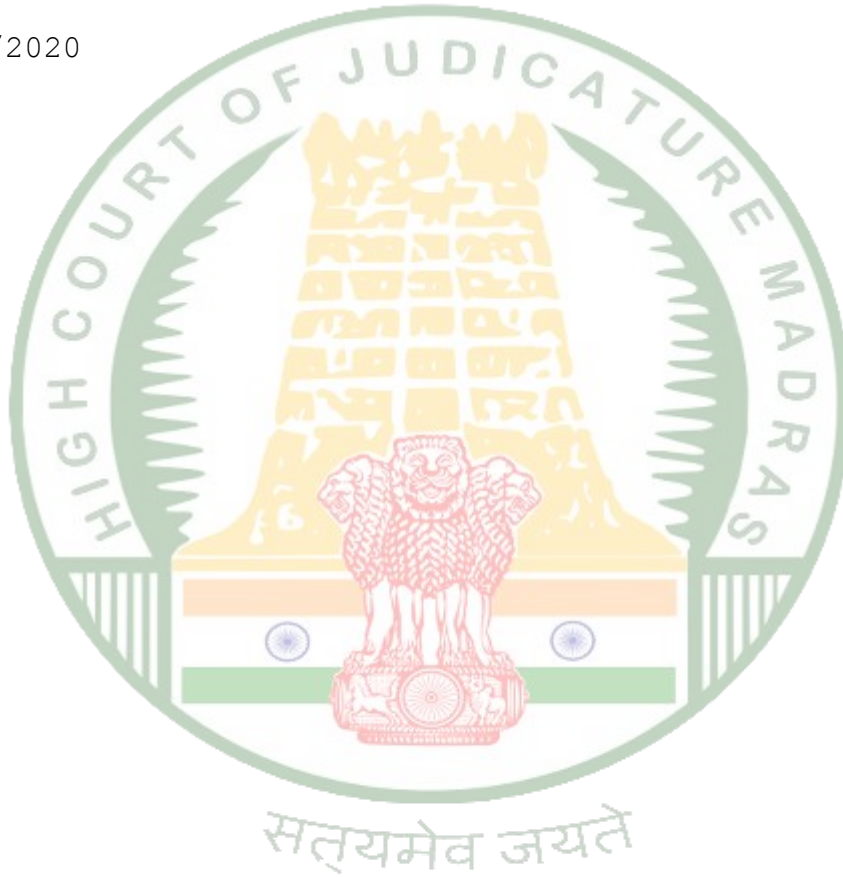
1. The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Chennai - 600 002.

2. The District Collector,
Chennai.

+1cc to Mr.S.S.Ilamvaludhi, Advocate Sr.4117
+1cc to Mr.R.P.Prathap Singh, Advocate Sr.4840

W.P.No.11402 of 2016

srg 03/03/2020



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