

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.25644 of 2011

Smt.S.Varalakshmi

... Petitioner

-vs-

1.The Commissioner,  
Corporation of Chennai,  
Ripon Buildings,  
Chennai-600 003.

2.The Assistant Divisional Engineer,  
Corporation of Chennai,  
Zone-I, Tondiarpet,  
No.226, T.H.Road,  
Old Washermenpet,  
Chennai-600 021.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the Respondents 1 and 2 to disburse the entire death benefits, other benefits including pension benefits on account of death of the petitioner's husband Sriramulu, as per decree and judgment dated 05.11.2009 passed in O.S.No.4709 of 2007 on the file of XIV, Assistant City Civil Court, Chennai.

For Petitioner : Mr.R.Thanjan

For Respondents: Mr.M.Ganesan

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O R D E R

The Writ Petition has been filed for a direction to the respondents herein to disburse the entire death benefits, other benefits including pension benefits on account of death of the petitioner's husband Sriramulu, as per decree and judgment dated 05.11.2009 passed in O.S.No.4709 of 2007 on the file of XIV, Assistant City Civil Court, Chennai.

2. It is the case of the S.Varalakshmi / petitioner that she married the deceased Government employee, by name Sriramulu on 23.08.1997 and her husband, who worked as P.T.Labour in the

Electricity Department, died in harness 07.10.1986, leaving behind him, the petitioner and his mother and her mother-in-law also died on 22.09.1991. It is further case of the petitioner that they have no issues and though she was paid a paltry sum to meet out the immediate expenses after the death of her husband, her request for release of other benefits, including the pension benefits was not adhered to. It is also the case of the petitioner that subsequently, she came to know that one J.Varalakshmi, who is the wife of Jayakumar, claimed the benefits payable to the deceased employee, stating that she is the wife of deceased employee and the petitioner submitted all relevant documents to the respondents to disprove the claim of J.Varalakshmi.

3. It is submitted by the petitioner that the said J.Varalakshmi obtained a Succession Certificate behind her back and the same was later on cancelled based on the application filed by the petitioner. Since the respondents insisted upon her to obtain a Court order for disbursement of the benefits, she filed O.S.No.4709 of 2007 and got an ex parte order. It is also submitted that even though she also sent a legal notice along with the judgment and decree to the respondents, there was no response from them and aggrieved by their act, she is before this Court.

4. The 1st respondent has filed a counter affidavit, stating that the deceased employee was appointed as a Permanent Worker on 04.01.1978 and died while in service on 07.10.1986. In the counter affidavit, the averments raised by the petitioner in the Writ Petitioner have not been refuted by the 1st respondent and the reason for non-release of benefits has been set out in Paragraph No.7 of the counter affidavit, which is extracted hereunder:

"7. I further submit that it is the fact the petitioner submitted her claim letter and also Court order dated 5-11-2009 passed in O.S.No.4709/2007. However the petitioner has not submitted her original legal heir certificate, marriage invitation card, identity card (family card) of the deceased employee for further action. The content stated by the petitioner is true. The enquiry was conducted by Vigilance Department, Corporation of Chennai from both the petitioner and the rival claimant. The order passed in O.S.No.4709/2007 dated 5-11-2009 also is received by the respondent. However, the eligible pensioning benefits to be settle in support of the original document, viz., legal heir certificate, marriage invitation card, identity card (family card) which is with the petitioner."

Finally, it is stated in the counter affidavit that in the event

of the petitioner producing all the above documents in original, the request of the petitioner for settlement of benefits would be considered.

5. Heard the learned counsel on either side and also perused the material documents available on record.

6. It is seen that the petitioner had approached the 14th Assistant Civil Court in O.S.No.4709 of 2007 for declaration that she is the legally wedded wife of late Sriramulu and the Court also accepted her contention and held that the petitioner is entitled to all the terminal benefits. In spite of that, it is unfair on the part of the respondents to make the petitioner run from pillar to post to get the benefits. It was fairly stated by the learned Standing Counsel for the respondents that Vigilance Enquiry was also conducted and found that J.Varalakshmi had made a false claim and the benefits should be given to the petitioner and therefore, Corporation asked for certain documents in original from the petitioner, as mentioned in Paragraph No.7 of the counter.

7. Learned counsel for the petitioner submitted that since the original documents have been filed before the Civil Court, the petitioner is unable to produce the same to the respondents.

8. Admittedly, the Civil Court had accepted the contention of the petitioner and granted the relief to her. When the documents sought for by the respondents are a part of Court records, the Corporation cannot insist those documents again for settlement of the benefits. In view of the same, based on the judgment and decree granted in O.S.No.4709 of 2007, the respondents are directed to settle the entire benefits / claim, which is payable to the deceased employee, to the petitioner, within a period of three months from the date of receipt of a copy of this order. It is made clear that in case respondents want to verify any of the documents, they are at liberty to get certified copies of those documents from the concerned Civil Court for the purpose of verification, without asking the petitioner to produce the same.

9. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Commissioner,  
Corporation of Chennai,  
Ripon Buildings,  
Chennai-600 003.

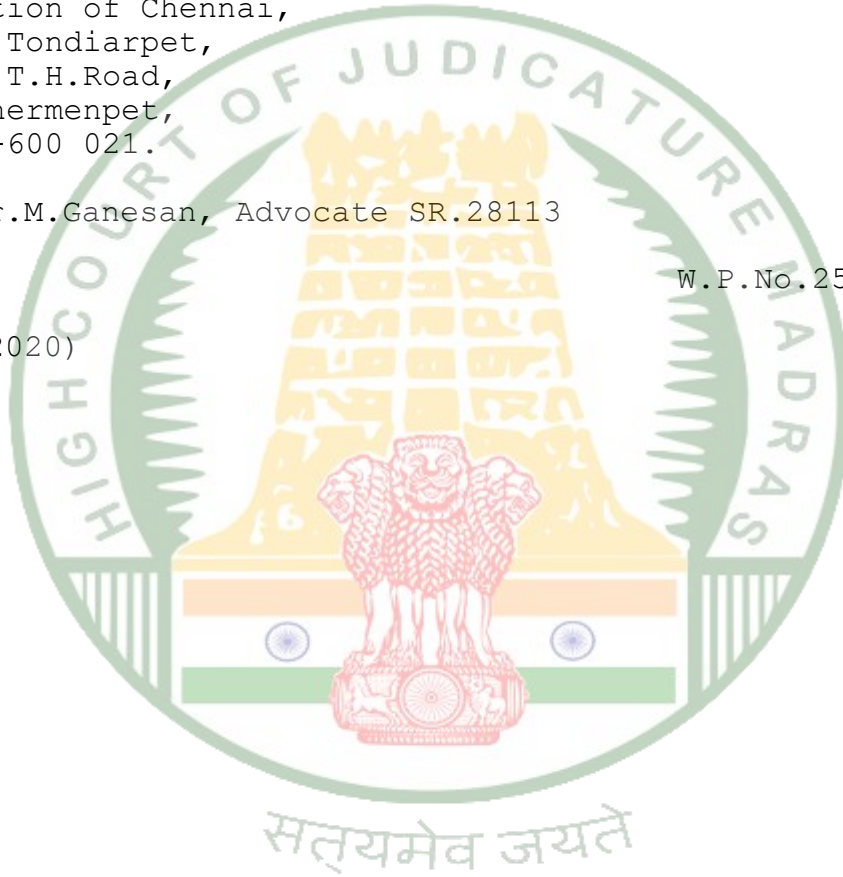
2.The XIV, Assistant City Civil Court,  
Chennai.

3.The Assistant Divisional Engineer,  
Corporation of Chennai,  
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Old Washermenpet,  
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+1cc to Mr.M.Ganesan, Advocate SR.28113

W.P.No.25644 of 2011

RR(CO)  
CB(09/12/2020)



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