

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 23.01.2020

Pronounced on : 11.02.2020

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No.18271 of 2018

and

W.M.P.No.21595 of 2018

Kavitha,

.. Petitioner

..Vs..

1.The Revenue Divisional Officer,
Vridhachalam Taluk,
Cuddalore.

2.The Tahsildar,
Vridhachalam Taluk,
Cuddalore.

3.The Tamil Nadu Public Service Commission,
Represented by its Member Secretary,
Frazer Bridge Road,
Chennai - 600 003.

.. Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, directing to call for the records relating to the 1st respondent's proceedings in O.Mu.No.A5/2023/2018 dated 17.06.2018 and quash the same and direct the 1st respondent to issue a Certificate to the petitioner as Destitute Widow within the time prescribed by this Court.

For Petitioner : Mr.M.Muthappan

For Respondents : Mrs.P.Rajalakshmi,
Special Government Pleader.

ORDER

This Writ Petition has been filed in the nature of Writ of Certiorarified Mandamus, questioning the order of the 1st respondent, namely, the Revenue Divisional Officer, Vridhachalam Taluk, Cuddalore District dated 17.06.2018 and quash the same and direct the said official to issue a certificate to the petitioner categorizing her as a Destitute Widow.

2. In the affidavit filed in support of the writ petition, it had been stated that the petitioner had married one Vetrivelan of Melakuppam Village and two female children were born on 03.01.2001 and 03.12.2003 respectively. Her native place is Sendirakillai, Bhuvanagiri Taluk, Cuddalore District. Her parents are residing there. After her marriage, she separated from her husband. During the year 2013, her husband purchased a house site worth about Rs.54,000/- and started construction of a small house, by availing private loan. He could not repay the loan amount. He, therefore committed suicide on 15.02.2016. In order to settle the loan amount, his share of the agriculture land was sold by his father.

3. The petitioner had availed Bank loan under Mudra scheme for purchasing a sewing machine and is doing tailoring work for her family's livelihood. Her father is a retired Village Administrative Officer. Her father-in-law is a retired teacher and he has been living separately and does not extend any financial help to her family. Her monthly income is not more than Rs.3,000/-.

4. She belongs to Most Backward Class community. She applied for a certificate of Destitute Widow category. She was told by an Official that there would be an enquiry in this connection. The Tashildar, Vridhachalam Taluk, Cuddalore, who is the 2nd respondent had enquired and she had given a statement of facts. She received the impugned order dated 17.06.2018. It was stated that her application seeking for Certificate of Destitute Widow was rejected on the ground that she is having a house and agricultural land of 66 cents. It was also rejected on the ground that her father was a retired Village Administrative Officer. This impugned order is challenged by the writ petitioner in this writ petition.

5. A counter affidavit has been filed by the 2nd respondent namely, The Tashildar, Vridhachalam Taluk, Cuddalore. In the counter affidavit, he had stated that the petitioner had made an application before the 1st respondent on 25.04.2018,

seeking certificate as a Destitute Widow. It is stated that he conducted an enquiry and found that the husband of the petitioner died on 15.02.2016 and that the petitioner had not re-married anyone and that the petitioner has two female children. It is stated that the children are studying. It is stated that the petitioner has also completed her M.Sc., B.Ed., and her father is a retired Village Administrative Officer and her father-in-law is a retired Teacher. It is stated that the petitioner owns a two storied pucca house in Ammeri Madura Melakuppam Village and she also owns 66 cents of land in her name and is supported by her parents. He therefore, sent a report. It is stated that she cannot be considered as a Destitute Widow.

6. A re-joinder has been filed by the petitioner, in which it had been stated she had applied for notification for selection to the post of Group - IIA, Group-IV, which are non interview post. There is a priority provided for the "Destitute Widows" who will have to obtain certificate from the Revenue Divisional Officer. This is in consonance with Section 20(8) of Tamil Nadu Government Servants (Conditions of Service) Act, 2016. It is stated that a certificate can be issued, if the monthly income is less than Rs.4,000/-. The petitioner claimed that she has no other source of income. She is living with her children separately. She had also filed a certificate issued by the Head Quarter Deputy Tahsildar, Virudhachalam. She claimed that she is not earning any rental income. It was therefore reiterated that she should be granted Destitute Widow Certificate.

7. Heard arguments advanced by Mr.M.Muthappan, learned counsel for the petitioner and Mrs.P.Rajalakshmi, learned Additional Government Pleader for the respondents.

8. The 1st respondent had not taken into account the G.O.Ms.No.229, Personnel and Administrative Reforms (Personnel. R) Department, dated 07.04.1998 and Rules regarding the destitute widow. This rule clearly gives who are eligible to get destitute widow certificate. The petitioner had claimed that she is receiving only Rs.3,000/- in her tailoring work. She also has two female children who are studying. She had very clearly stated that she is not supported by her father or by her father-in-law. Her husband committed suicide, as he was unable to pay loan obtained on mortgaging the property.

9. The Head Quarters Deputy Tahsildar, Virudhachalam, had given a certificate that the petitioner has no lands in Ammeri Madura Melakuppam village. These factors have not been considered by the respondent while passing the impugned order.

It is clear that the impugned order has been passed without considering this particular certificate issued by the Head quarter Deputy Tahsildar, Virudhachalam, who is the competent officer.

10. In view of the fact that the respondents had not properly considered their own Certificate issued by the Head Quarters Deputy Tashildar, Virudhachalam, who had very clearly stated that the petitioner has no lands in the Ammeri Madura Melakuppam Village, I hold that the impugned order has to be set aside and the matter is remanded back to the Revenue Divisional Officer, Virudhachalam Taluk, Cuddalore District / 1st respondent, who has to direct the 2nd respondent to conduct further enquiry and thereafter pass detailed order with reasons. The 1st respondent may also direct the 2nd respondent while conducting enquiry, to record statements, collect documents and thereafter file a report appreciating each and every fact. The order of the 1st respondent may also be a speaking order on all the aspects raised by the petitioner herein. On obtaining report from the 2nd respondent, 1st respondent is directed to pass orders on or before 30.04.2020.

11. In view of the above observations, this Writ Petition is allowed. No order as to costs. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To,

1.The Revenue Divisional Officer,
Vridhachalam Taluk,
Cuddalore.

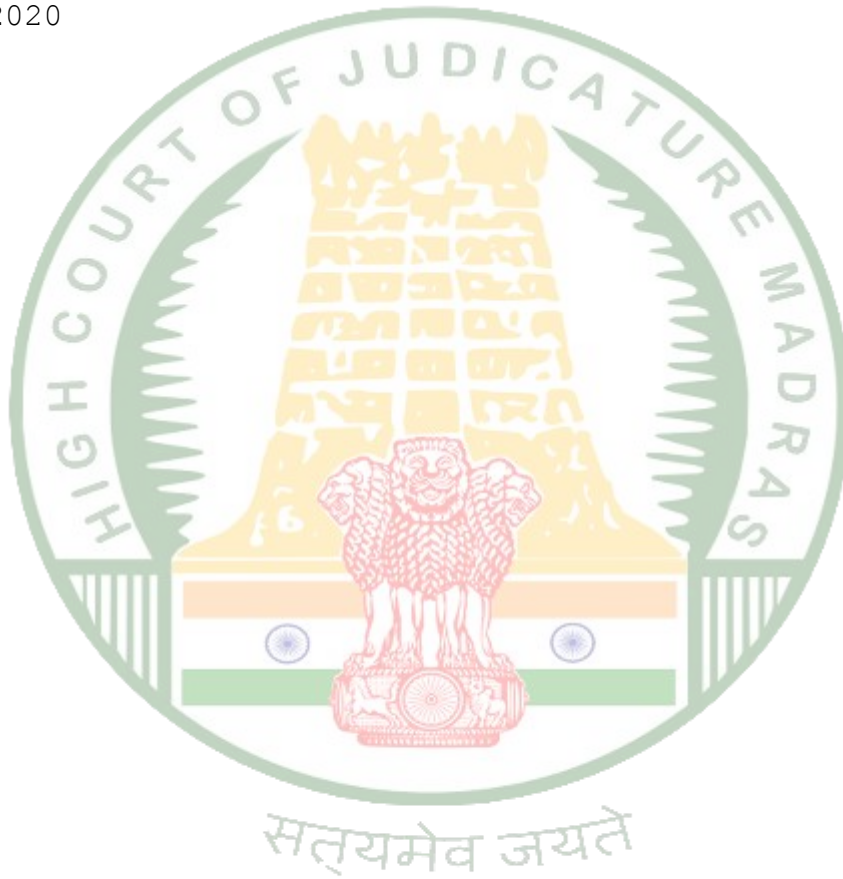
2.The Tahsildar,
Vridhachalam Taluk,
Cuddalore.

3.The Tamil Nadu Public Service Commission,
Represented by its Member Secretary,
Frazer Bridge Road,
Chennai - 600 003.

+1cc to Mr.M.Muthappan, Advocate sr.11151

W.P.No.18271 of 2018

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