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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2021

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.No.17861 of 2021

(Through Video Conferencing)

S.Lakshmi

...Petitioner

Vs

1. The District Collector,
O/o.Collectorate,
Singaravelan Maligai
Chennai.

2. The Commissioner,
Greater Chennai Corporation,
Rippon Buildings,
Chennai - 600 003.

3. The Senior Accounts Officer,
Zonal Officer,
Zone-3, Madhavaram,
No.1, Thatankulam Road,
Greater Chennai Corporation,
Chennai - 600 060.

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the order passed by the 3rd respondent order bearing reference letter Ma.A3.Na.Ka.No. A2/1980/2020 dated 12.07.2021 and quash the same and further direct the 3rd respondent to settle the family pension along with the arrears of pension ever, since May 2016 within a stipulated period as fixed by this Hon'ble Court.

For Petitioner : R.Sathyamoorthy
For Respondents : Mr.L.S.M.Hasan Fizal,
Government Advocate for R1
: Mr.M.Ganesan for R2 and R3.



O R D E R

The petitioner is the wife of one S.Shanmugam who passed away on 24.04.2016 after his retirement on 31.07.1996.

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2. The case of the petitioner is that the petitioner is the 2nd wife of late S.Shanmugm, the deceased pensioner / nominee of the respondent Corporation.

3. According to the petitioner, petitioner is one of the legal heirs of late S.Shanmugm along with one Senthilkumari, the daughter through the 1st wife Veeralakshmi. The case of the petitioner is that despite the name of the petitioner being mentioned in the pension book/order and also the ration card for the period of 2005-2009, the respondents have refused to sanction the family pension to the petitioner. It is further submitted that the respondents are referring to the name of one Sangeetha aged about 22 years in the ration card to deny the family pension to the petitioner as the legal heirs/nominee of late S.Shanmugam.

4. Appearing on behalf of the 2nd and 3rd respondents, the learned counsel for the respondents submits that after the papers were filed by the petitioner, they were scrutinized and a letter dated 12.07.2021 was issued to the petitioner wherein the petitioner was asked for an explanation who was Sangeetha aged 22 years shown in the ration card and why her name has not been included in legal heir certificate dated 25.11.2016.

5. The learned counsel for the respondents therefore submits that the respondents cannot sanction family pension to the petitioner as there is a cloud of doubt as to whether the petitioner is indeed the only legal heir of the deceased pensioner S.Shanmugam.

6. Heard the learned counsel for the petitioner and the learned counsel for the respondents. Perused the records including pension order, Ration card and bank pass-book of the deceased Shanmugam.

7. The name of the petitioner in both bank pass-book and in the ration card along with deceased pensioner S.Shanmugam. The level of scrutiny that is carried out by the revenue officials while issuing legal heir certificate is far more stringent than at the time of issuance of ration card / family card by Civil Supply and Consumer Protection Department. Therefore, merely because there is a name of third person named sangeetha aged 22 years in the ration card/family card by itself would not mean, the petitioner is not the wife of late S.Shanmugam, particularly in the light of the fact that in the pension book, petitioner's



photo has been affixed and the name of the petitioner has been given as 'Lakshmi' as wife of the deceased Shanmugam.

8. Considering the fact that in the Legal heir certificate the petitioner and Senthilkumari name is given as the legal heirs of the pensioner, late S.Shanmugam, there no justification in not granting the family pension to the pensioner. The presence of name Sangeeetha aged 22 years in the ration card itself will not create a cloud of doubt regarding the genuineness in the legal heir Certificate issued by the Tahsildar office and in the claim of the petitioner for family pension.

9. In the result, this writ petition is allowed with the above observations.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

drl

To

1. The District Collector,
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Chennai.
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+2CCs to Mr.R.Sathyamoorthy, Advocate, Sr.No.50968

+1CC to Mr.Government Pleader, Sr.No.51573

W.P.No.17861 of 2021

CP (CO)

K.RK. (26.11.2021)