



WEB COPY

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 15.07.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.23113 of 2019
and
W.M.P.No.22826 of 2019

V.Malarkodi

...Petitioner

Vs

1. The Commissioner,
Commissioner of Municipal Administration,
Ezhilagam,
Chepauk, Chennai-600 005.
2. The Commissioner,
Oddanchataram Municipality,
Oddanchataram, Dindigul.
3. The Director,
Directorate of Vigilance & Anti Corruption,
No.293, MKN Road,
Alandur, Chennai-600 016.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the third respondent to issue a "No Objection Certificate" and consequently, direct the first and second respondents to release the family pension and all consequential monetary benefits due to the petitioner widow within the time frame.

For Petitioner : Mrs.Dr.R.Gouri

For R1 & R3 : Mr.K.Tippu Sulthan,
Government Advocate

For R2 : Mr.P.Srinivas

ORDER

By consent of both the parties, this writ petition is taken up for final disposal.



2. The petitioner's husband was a Pipeline Fitter. While employed as a Pipeline Fitter under the second respondent department, the petitioner's husband died on 12.02.2018 leaving behind the petitioner herein, who is his wife, and his two sons. When the petitioner had approached the first and second respondents for the family pension and other monetary benefits, it is stated that the second respondent herein had insisted for a "No Objection Certificate" from the third respondent for release of the monetary benefits. The reason for such insistence of a No Objection Certificate is that the petitioner's husband seems to have been earlier involved in certain delinquencies relating to unlawful monetary loss to the Government. Pursuant to an enquiry in connection with the delinquencies, the first respondent had imposed punishment of stoppage of increment for a period of one year, with cumulative effect. The punishment had ended on 03.05.2011, after which, he subsequently died on 12.02.2018.

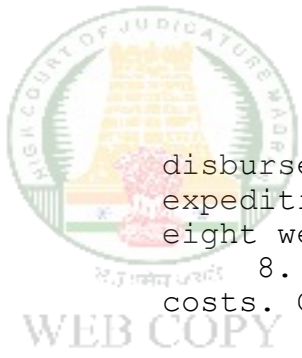
3. When a specific query was raised as to whether any criminal case was initiated or pending against the petitioner's husband, the learned counsel for the respondent submitted that there was no such criminal case attracted with regard to the delinquencies.

4. In view of such a submission, I do not find any justification on the part of the second respondent to seek for a No Objection Certificate from the Police authorities for releasing the monetary benefits. Consequently, the petitioner herein would be entitled for all the pensionary and monetary benefits.

5. At this juncture, the learned counsel for the petitioner submitted that the second respondent herein had not yet released the DCRG benefits, apart from the pensionary benefits.

6. In the light of the above observations made by this Court that there is no justification on the part of the second respondent to seek for a No Objection Certificate from the third respondent, there cannot be any impediment for the second respondent to release the DCRG and pensionary benefits to the petitioner. Since the claim of the respondents for production of an NOC is unlawful and illogical, the petitioner would be entitled for interest on the DCRG outstandings.

7. Accordingly, there shall be a direction to the first and second respondents herein to disburse the DCRG benefits of their late employee, namely P.Paulpandi, in favour of the petitioner herein, together with interest at the rate of 10% p.a from the date of death of late P.Paulpandi, till the date of



disbursement, along with all pensionary benefits, as expeditiously as possible, in any event, within a period of eight weeks from the date of receipt of a copy of this order.

8. Accordingly, the present writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

sbn

To

1. The Commissioner,
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Chepauk,
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NRL (CO)
CT/17/08/2021