



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.19777 of 2020

J.Aruna @ Amala Aruna

...Petitioner

Vs

1.The Superintending Engineer,
TANGEDCO,
Pudukottai Distribution Circle,
Pudukottai,
Pudukottai District.

2.The Chief Internal Audit Officer,
Audit Branch-TANGEDCO,
144, Anna Salai,
Chennai-600 002.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents 1 and 2 to sanction petitioner father's pension benefits by considering petitioner representation dated 13.10.2020.

For Petitioner : M/s.D.Farjana Ghoushia

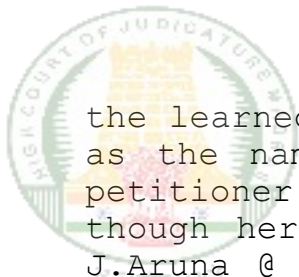
For Respondents : Mr.T.Sakthikumaran
Standing Counsel

O R D E R

The petitioner's father A.Jeyasingaraj, was employed with the Tamil Nadu Electricity Board and he had retired from service on 30.04.1997 and subsequently, died on 05.06.2018. The deceased employee was survived by three legal heirs, including the petitioner herein, as per the legal heir certificate, dated 02.09.2018 produced before this Court.

2.The stand taken by the learned Standing counsel for the respondent is that the petitioner's name is J.Aruna, whereas, she claims the pension benefits in the name of J.Amala Aruna. In view of the discrepancy, they are unable to extend the family pension in favour of the legal heirs.

3.The learned counsel for the petitioner submitted that, at the time of baptism, her name came to be registered as "Amala Aruna" at the Church at Kavalkinaru, Thoothukudi District, since her original name "Aruna" sounded like a Hindu name. Even in the marriage invitation, her name was referred to as "Amala Aruna". According to



the learned counsel for the petitioner, both "J.Amala Aruna" as well as the name "J.Aruna" are one and the same, which refers to the petitioner herein. The learned counsel further submitted that though her deceased father was survived by three daughters, namely J.Aruna @ Amala Aruna, J.Amutha and J.Akila Christy, the other two sisters had given "No Objection Certificate" in favour of her, to the effect, that the family pension can be paid to the petitioner herein.

4.The only issue involved in the present writ petition is the discrepancy in the name of the petitioner, which has precluded the respondents to pay the family pension to the petitioner. Such an infirmity could be rectified, if the petitioner files a duly sworn in affidavit, before the respondents herein, substantiating that her names "J.Aruna" and "J.Amala Aruna" are one and the same and that she would indemnify the respondents, if any claim or dispute arises in connection with the discrepancy in her name.

5.Likewise, the issue as to whether the no objection certificate given by the other sisters of the petitioner can be considered or not, can also be left open to the respondents to decide. This, in effect, would protect the interest of the respondents also and there may not be any impediment for them to disburse the family pension to the petitioner or the legal heirs of the deceased employee, as the case may be.

6.In the light of the observations, the petitioner is granted liberty to make a fresh representation to the first respondent herein along with duly sworn in affidavit before a Notary Public specifically stating that the name "J.Aruna" and "J.Amala Aruna" are one and the same, along with an indemnity clause referred to above and on receipt of the such representation, the first respondent shall consider the same, in the light of the observations made in this order and endeavour to disburse the family pension in favour of the entitled legal heir of the deceased employee A.Jeyasingaraj. Such an exercise shall be completed at least within a period of two weeks from the date of receipt of a copy of the representation along with affidavit, as mentioned above.

7.The Writ Petition stands allowed accordingly. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



NOTE:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

+1 CC to M/s.T.SAKTHI KUMARAN, Advocate (SR-1675[F]
dated 21/01/2021)

Order made in
W.P. (MD) No.19777 of 2020

20.01.2021

PU(CO)

NR (10/02/2021) 3P : 2C