



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.2825 of 2022

R.Prithiviraj

...Petitioner

/Vs./

- 1.The Government of Tamil Nadu,
Represented by the Additional Chief Secretary,
Transport Department, Secretariat,
Chennai - 600009.
 - 2.The Managing Director,
Tamil Nadu State Transport
Corporation (Madurai) Limited,
Byepass Road,
Madurai - 625010.
 - 3.The General Manager,
TNSTC (Madurai) Limited,
Dindigul Region,
Dindigul - 624004.
 - 4.The Tahsildhar,
Theni Taluk,
Theni District.
- ...Respondents

PRAYER:- Writ Petition - filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 2nd and 3rd respondents to take all the necessary proceedings and issue all the pensionary and monetary benefits to the petitioner's family without insisting any other certificates for the petitioner's name discrepancy in the service records of his deceased father i.e., S.Radhakrishnan Employment No.20189 within a stipulated time.

For Petitioner : Mr.N.Karthik Kanna
For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

The relief sought for in the present writ petition is to direct the respondents 2 & 3 to take all the necessary proceedings and issue all the pensionary and monetary benefits to the petitioner's family without insisting any other certificates for the petitioner's name discrepancy in the service records of his deceased father, Mr.S.Radhakrishnan.



2.The father of the writ petitioner, Mr.S.Radhakrishnan served in the Tamil Nadu State Transport Corporation (Madurai) Limited, Dindigul Region and completed 32 years of service. Lastly, the father of the petitioner was working as Senior Assistant Engineer in Theni, Bodinayakkanur Depot. On 17.05.2021, the father of the petitioner died while in service. The mother of the petitioner, his married elder sister and himself are the legal heirs and the petitioner also got married recently.

3.The learned counsel appearing for the petitioner made a submission that the petitioner has submitted a legal heirship certificate issued by the fourth respondent and also death certificate of his father. However, the fourth respondent identified the discrepancy regarding the name of the petitioner in his service records as well as in the nomination given by the employee.

4.It is for the petitioner to clarify the discrepancy. He is bound to establish that the discrepancy is an error and his original name is Mr.R.Prithiviraj. However, the Court cannot issue any direction in vagueness. In the event of any doubt in this regard, the petitioner has to approach the competent Court of law for adjudication of the disputed issues.

5.If the name of the legal heirs is in dispute, two options are open. Firstly, the petitioner has to establish the discrepancy by producing all relevant records to the satisfaction of the competent authorities. If he is not in possession of the documents, then, the petitioner has to approach the competent Court of law for adjudication of the disputed issues.

6.Contrarily, the Writ Court cannot adjudicate such disputed facts and issue direction as sought for in the present writ petition. Thus, the petitioner is at liberty to take all necessary steps to clarify discrepancy in his name.

7.With this liberty, this writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

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Theni District.

+1 CC to M/s.SPL GP (SR-5963[F] dated 14/02/2022)

Order made in
W.P. (MD)No.2825 of 2022

Dated:
11.02.2022

PK(CO)
GC(22.02.2022) 3P 6C