



W.P.(MD) No.20594 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.08.2022

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.20594 of 2021
and W.M.P.(MD).Nos.17236 & 17237 of 2021

V.Angammal

... Petitioner

Vs.

**1.The Bharathidasan University,
rep. by its Registrar,
Palkalaiperur,
Tiruchirappalli – 620 024.**

**2.The Assistant Director of Local Fund Audit,
Local Fund Audit Department,
Bharathidasan University,
Trichy,
Trichy District.**

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 2nd respondent in his proceedings in Na.Ka.No. 113/A1/2021, dated 14.07.2021 and quash the same as illegal and consequently, to direct the 2nd respondent to issue Audit Certificate in the light of the recommendation made by the 1st respondent in his proceedings in



W.P.(MD) No.20594 of 2021

WEB COURT Na.Ka.No.B1/14245/2019, dated 29.06.2021 and Na.Ka.No.B1/14245/2019, dated 15.09.2021 and in the light of Audit Certificate issued by the 2nd respondent to similarly placed person vide his proceedings in RC.No. 201/A2/2017, dated 27.10.2017 and RC.No.144/A2/2019, dated 20.05.2019, within the period that may be stipulated by this Court.

For Petitioner : Mr.C.Venkatesh Kumar for
M/s.Ajmal Associates

For Respondents : Mr.V.R.Shanmuganathan for R1
Standing Counsel
Mr.A.Kannan for R2
Additional Government Pleader

ORDER

The petitioner herein is the widow of late K.Muthukumaran, who had originally retired from service as Assistant Section Officer in the first respondent's university on 31.01.2020 and subsequently expired on 04.04.2020. The request made by the petitioner herein for issuance of the Audit Certificate came to be rejected by the second respondent herein on 14.07.2021, which is under challenge in the present writ petition.



W.P.(MD) No.20594 of 2021

WEB COPY

2.The first respondent herein in the proceedings, dated 15.09.2021, had referred to the cases of similarly placed retired employees namely A.Selvam, N.Jegadeesan, R.Tamilselvan, in whose cases the Audit Certificates were also issued and accordingly, had made favourable proposals for the petitioner herein for issuance of the Audit Certificate for her late husband. The petitioner herein had also relied upon the proposal sent by the first respondent and had made a representation to the second respondent for issuance of Audit Certificate, which is yet to be considered.

3.The fact remains that though the petitioner's husband had retired from service on 31.01.2020 and had also expired on 04.04.2020, his family is yet to receive all the retirement benefits till date. Withholding all the benefits for want of Audit Certificate for more than two years is very unreasonable. Under these circumstances, I am of the view that if the second respondent is directed to issue Audit Certificate to the first respondent for the purpose of enabling the petitioner to receive the retirement benefits along with the pensionary and monetary benefits, without prejudice to her right to raise objections to the Audit Certificate, the ends of justice could be secured.



W.P.(MD) No.20594 of 2021

WEB COPY

4. Accordingly, there shall be a direction to the second respondent herein to forthwith issue the Audit Certificate to the petitioner to receive the retirement benefits due to her husband namely Late K.Muthukumaran, retired Assistant Section Officer (Selection Grade), together with family pension, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the Audit Certificate, the first respondent shall pass appropriate orders releasing all the retirement benefits and family pension benefits to the petitioner herein, within a period of two weeks from the date of receipt of the Audit Certificate from the second respondent herein.

5. This writ petition stands allowed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

10.08.2022

Index : Yes / No
Speaking Order/ Non Speaking Order

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W.P.(MD) No.20594 of 2021

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W.P.(MD) No.20594 of 2021

M.S.RAMESH,J.

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W.P.(MD) No.20594 of 2021

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