



W.P.No.16779 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.16779 of 2023

Pushparani

. . . Petitioner

Vs.

1. The Commissioner
Greater Chennai Corporation,
Ribbon Buildings,
Chennai-600 003.
2. The District Revenue Officer,
Greater Chennai Corporation,
Zone-8,
No.36B, Pulla Avenue, Shenoy Nagar,
Chennai-600 030.
3. The Zonal Officer,
The Greater Chennai Corporation,
Zone-8,
No.36D, Pulla Avenue, Shenoy Nagar,
Chennai-600 030.

4. Rathina

. . . Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus or any other writ or order or direction in the nature of writ to call for the records relating to the proceedings in Ma.A8.na.Ka.No.C4/1411/2021 on the file of 2nd respondent/the District Revenue Officer, Greater Chennai Corporation, Zone-8 dated 28.06.2022 and another proceedings in Ma.A8.na.Ka.No.C4/1411/2021 on the file of 3rd respondent/Zonal Officer-8, Greater Chennai Corporation, Zone-8 dated 08.06.2021 and quash the same and further direct the 2nd and 3rd respondents to disburse the death benefits including pension, gratuity, leave salary, provident fund, etc with 18% interest to the petitioner/the wife and other legal heirs from the death of the petitioner's husband on 08.02.2020.

For petitioner : Mr.D.Veerasekharan

For Respondents : Mr. S.Gopinathan,
for R1 to R3.

ORDER

This Writ Petition has been filed assailing the impugned proceedings of the respondents 2 & 3 and for a direction to the respondents 2 & 3 to disburse the death benefits including the pension, gratuity, leave salary,



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provident fund, etc with 18% interest to the petitioner and the other legal heirs of the deceased.

2. It is the case of the petitioner that she married one A.Rukmangathan as per the Hindu rites and customs. Out of the said wedlock, the petitioner was blessed with three children. After the demise of said Rukmangathan, the petitioner married one Suryaprakash who was working as a daily wage worker in the Chennai Corporation. During the course of his employment, said Suryaprakash, entered the petitioner's name and her children in his service register maintained by the Corporation. After the demise of said Suryaprakash, the petitioner made an application along with necessary documents before the 2nd respondent, claiming the death benefits of her deceased husband, however, her request has been rejected by the 2nd respondent vide impugned proceedings dated 28.06.2022. Aggrieved by the proceedings of the 2nd respondent, the petitioner is before this Court.

3. Learned counsel for the petitioner submits that though, the



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petitioner has produced all the relevant documents required for disbursement of the death benefits of her late husband, however, her request has been rejected by the 2nd respondent on the ground that no proof was produced by the petitioner as to marriage of the petitioner with the deceased which is not sustainable.

4. On the above contentions, this Court heard the learned counsel appearing for respondents 1 to 3 and perused the materials available on record.

5. A perusal of the impugned order reveals that the petitioner's request has been rejected on the ground that the petitioner has not produced any proof as to her second marriage with the deceased. However, it is the claim of the petitioner that her deceased husband has entered the names of the petitioner and her children in his service register. Even the Life Insurance Corporation has disbursed the maturity amount to the petitioner which was lying in the account of the deceased.

6. It is to be pointed out that legal heirship certificate has been



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issued to the petitioner subsequent to the death of the deceased by including the names of the petitioner and her children. Further, the names of the petitioner and her children have also been entered into the service register by the deceased while he was alive. While so, the authorities have no power to reject the claim of the petitioner as to the disbursement of the death benefits of her deceased husband. The respondents have no authority to seek proof of marriage of the petitioner with the deceased, when the deceased himself had declared the petitioner as his wife by entering her name in the service record. It is not for the respondent to question the said fact when there is no dispute regarding the marriage of the petitioner with the deceased.

7. Therefore, this Court is inclined to issue a direction to the respondent authorities to disburse the pensionary benefits and other benefits of her deceased husband Suryaprakash to the petitioner within a period of six weeks from the date of receipt of a copy of this order.

M.DHANDAPANI, J

NHS

8. Accordingly, this Writ Petition stands disposed of with the



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aforesaid direction. There shall be no order as to costs.

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Index : Yes / No

Internet : Yes / No

NHS

To

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