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W.P.No.25247 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2023

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.25247 of 2023

M.Abdul Raheem

.... Petitioner

Vs

1. The Branch Manager,
Office of the Principal Accountant General (A & E),
361, Anna Salai,
Chennai – 600 018.

2. The District Educational Officer,
Vaniyambadi, Tirupattur District.

3. The Correspondent,
Islamiah Girls' Higher Secondary School,
Vaniyambadi, Tirupattur District.

.... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for Writ of Certiorified Mandamus, to call for the records pertaining to the order passed by the first respondent in Lr.No.P24/2/12423321/ADK, dated 15.02.2022 directing the petitioner to submit Succession Certificate for grant of death cum retirement benefits to him and to quash the same as illegal and incompetent and further direction to the respondents to disburse the death cum retirement benefits of the deceased M.Fareeda Banu, who was employed as B.T.Teacher in the school of third respondent to her nominee, the petitioner herein, within time frame.



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For Petitioner : Mr.PA.Sudesh Kumar
For R1 : Mrs.Hema Muralikrishnan
For R2 : Mr.P.Baladhandayutham
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the impugned order dated 15.02.2022 in Lr.No.P24/2/12423321/ADK passed by the first respondent, thereby directed the petitioner to obtain succession certificate through Court of law in order to get death cum retirement benefits of the deceased sister.

2. Heard Mr.PA.Sudesh Kumar, learned counsel appearing for the petitioner, Mrs.Hema Muralikrishnan, learned counsel appearing for the first respondent and Mr.P.Baladhandayutham, learned Special Government Pleader appearing for the second respondent and perused the materials available on record.

3. The petitioner's sister viz., Farida Banu had entered into the service of the third respondent as Noon Meal Organiser on 01.10.1984. Thereafter, she was appointed as B.T. Assistant in the same School on 11.03.1998. However, she died on 30.08.2020, due to her



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illness. The said Farida Banu died as spinster. She had one brother/petitioner herein and two sisters. During her service, she entered the petitioner's name as nominee to receive her pension, Death-cum-Gratuity, Special Provident Fund and Teachers Provident Fund. After demise of her sister, the petitioner applied for all retirement benefits of his deceased sister by enclosing the copy of the relationship certificate. Accordingly, the third respondent sent the proposal through the second respondent for granting all death cum retirement benefits of the said Farida Banu. However, the first respondent directed the petitioner to produce succession certificate through Court of law. Only on two circumstances, the succession certificate can be called for. When there is no nomination by the employee and there is any rival claim.

4. In the case on hand, admittedly, the deceased employee nominated the petitioner alone to receive all the benefits. In terms of Section 48 of the Tamil Nadu Pension Rules, when the deceased employee nominated the person, he is entitled to receive all death cum retirement benefits. Therefore, the first respondent ought not to have directed the petitioner to produce succession certificate. That apart, from the other family members, no rival claim. In fact, no objection to give all



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the death cum retirement benefits to the petitioner as nominee.

Therefore, the impugned order cannot be sustained and it is liable to be quashed.

5. Accordingly, the impugned order dated 15.02.2022 in Lr.No.P24/2/12423321/ADK passed by the first respondent, is hereby quashed. The first respondent is directed to disburse the death cum retirement benefits of the deceased sister of the petitioner viz., M.Farida Banu, forthwith.

6. With the above direction, this Writ Petition stands allowed. There shall be no order as to costs.

28.08.2023

Internet : Yes
Index : Yes/No
Speaking order/Non-speaking order
Lpp

To



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G.K.ILANTHIRAIYAN, J.



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