



W.P.No.24732 of 2021

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE J. SATHYA NARAYANA PRASAD

W.P.No.24732 of 2021
and MP.No.26015 of 2021

R. Renuka

... Petitioner

Vs.

1. The State
Rep.by its Secretary to Government
Home Department
Secretariat, Fort St.George,
Chennai 600 009.
2. The Director General of Police
O/o.The Director General of Police
Kamarajar Salai, Mylapore,
Chennai 600 004.
3. The Commissioner of Police
O/o.The Commissioner of Police,
E.V.K.Sampath Salai,
Vepery, Chennai 600 007.
4. The Joint Commissioner
Office of the Joint Commissioner
North Zone, Chennai City
Egmore, Chennai – 8.



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5. The Deputy Commissioner of Police
Office of the Deputy Commissioner of Police
Madhavaram, Chennai – 57.

6. The Principal Accountant General
of Tamil Nadu Account and entitlement,
O/o.The Accountant General,
Teynampet, Chennai – 18.

7. Rajaselvi

8. Palani

9. R.Ranga

... Respondents

PRAYER : Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Certiorarified Mandamus to call for the records of the 4th respondent in proceedings Nos.Na.Ka.No.Oivudhiyam (Va.Ma)/211/9212/2015 dated 07.03.2017 and No: Na.Ka.No.Oivudhiyam (Va.Ma)/211/9212/2015 dated 16.03.2017 and quash these orders and consequently direct the 6th respondent to pay the husband's arrears of salary, pension, terminal benefits and all other service benefits to him within a stipulated period.

For Petitioner : Mr.Selvi Rajesh

For Respondents : Mr.M.Shahjahan
Spl. Government Pleader for R1 to R5
M/s.J.Sree Vidya
Senior Counsel for R6
M/s.P.Arulmathi for R8



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ORDER

The petitioner has filed the above writ petition praying for a Writ of Certiorarified Mandamus to call for the records of the 4th respondent in proceedings No.Na.Ka.No.Oivudhiyam (Va.Ma)/211/9212/2015 dated 07.03.2017 and No: Na.Ka.No.Oivudhiyam (Va.Ma)/211/9212/2015 dated 16.03.2017 and quash these orders and consequently direct the 6th respondent to pay the husband's arrears of salary, pension, terminal benefits and all other service benefits to him within a stipulated period.

2. The facts of the case in a nutshell:-

The case of the petitioner is that her late husband joined in the service as a Police Constable on 12.09.1986 and married her on 07.09.1990. Subsequently he was promoted as Head Constable in the Police Department in Code No.34460 at the office of the Deputy Commissioner of Police, Madavaram, Chennai. While in service her husband died on 08.05.2015 due to ill health. Thereafter she obtained the legal heir certificate issued by the Tahsildar of Perambur, Chennai – 11 by his proceedings NI.MU.No.(C2)/05418/2015 dated 31.08.2015 and subsequently the petitioner



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gave a representation to the respondents to settle the petitioner's husband arrears of salary, pension, terminal benefits and all other service benefits and the same was rejected by the 4th respondent, since the name of the petitioner was not mentioned in the Service Register of the deceased Constable namely R.Ravichandran. Aggrieved by the order passed by the 4th respondent the petitioner has come forward with the present writ petition.

3. The learned counsel appearing for the petitioner submitted that the petitioner's husband decided to apply for Voluntary Retirement Service and he made a representation dated 18.08.2014 to the 2nd respondent to relieve him by Voluntary retire from service (VRS). But before the relieving order the petitioner's husband again took medical leave and was bed-ridden and he died on 08.05.2015 before any order could be passed by the 2nd respondent in regard to the representation made by the petitioner's husband for VRS. The petitioner made a representation to the 4th respondent on 26.09.2016 along with the copy of the legal heir certificate, community certificate and income certificate claiming benefits of her late husband namely R.Ravichandran. The petitioner has also gave a representation to the third respondent on 03.09.2015 for compassionate ground appointment and disburse the pension and terminal



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benefits to her and the same was acknowledged but no order was passed. Hence the petitioner has filed a writ petition before this Court in W.P.No.1812 of 2017 directing the respondents to consider the representation dated 03.09.2015 to disburse all duty and service benefits of her late husband. This Court without going into the merits of the case permitted the petitioner to submit a joint representation to the respondents 1 & 2 (respondents 3 & 4 herein) along with a copy of this order as well as a copy of earlier representation dated 03.09.2015 within a period of two weeks from the date of receipt of a copy of this order. Subsequent to the order passed by this Court, the petitioner made a representation to the 2nd respondent seeking compassionate appointment on 10.02.2017. The representation was rejected by the 4th respondent by his proceedings Na.Ka.No.Oiuvdhiyam (Va.Ma)/211/9212/2015 dated 07.03.2017. In that it was mentioned that while verifying the Service Book of late Constable R.Ravichandran it was found that the petitioner name was not in the Service Register and two other names have been registered as legal heirs. According to the pension rules, if there is more than one heir, the heirs concerned are informed that the pension benefits can be obtained and obtained only after obtaining the certificate of succession (succession certificate) from the competent Court.



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4. The learned Special Government Pleader appearing for the respondents 1 to 5 filed a counter affidavit of the 5th respondent dated 05.01.2023. The learned Special Government Pleader submitted that during the course of verification of the Service Book of the deceased Head Constable R.Ravichandran, it was found in one of the legal heir forms, the Head Constable has recorded his wife name as Tmt.Ranga with address No.1/11, 1st street, 1st main road, Kannadasan Nagar, Chennai – 118 and they have a daughter Selvi R.Priya. Subsequently in another legal heir form, the Head Constable has recorded his wife name as Tmt.R.Rajaselvi with address No.4/650, Mahalakshmi Nagar, 3rd street, Padiyanallur Redhills, Chennai 52. The petitioner was residing at No.21/47 Krishnamurthy Road, Erukencherry, Chennai – 118 has filed writ petition No.1812/2017 praying a direction for the payment pensionary benefits of late Thiru.R.Ravichandran, HC 34460 to her since she is the wife of late R.Ravichandran. Since there are more than three legal heirs (i.e., three wives) the writ petitioner Renuka was informed that as per Pension Rules, if there are more than one legal heirs i.e., wife, the concerned legal heirs have to obtain Succession Certificate from the competent Court and produce for the payment of pensionary benefits. The names of the



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other two wives viz., Tmt.Ranga and Tmt.R.Rajaselvi but they have not submitted any representation for the payment of Pensionary benefits. According to the writ petitioner her husband late R.Ravichandran married her on 07.09.1990 but in the Service Book of the late Head Constable it is noticed that the late Head Constable has not made any entry in the Service Book stating that Tmt.Renuka is his wife.

5. The learned Special Government Pleader further submitted that though the other two names were mentioned in the Service Register namely Rajaselvi and Ranga they have not claimed pension, terminal benefits of the deceased constable R.Ravichandran and the petitioner herein only has claimed the terminal benefits from the respondents. The original Service Register of the deceased Constable R.Ravichandran was submitted before this Court and after perusal of the same by this Court it was found that the name of Tmt.R.Rajaselvi and Tmt. Ranga names were mentioned as his wives in the nomination form.

6. A counter affidavit was filed by the 8th respondent/Palani in which he claims that the 7th respondent herein namely R.Rajaselvi as his wife and married her on 14.02.1986 at Eraveeshvarar Temple at Murthika Iyyer Street,



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Vyasarpadi, Chennai.

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7. Heard both side and perused the material available on record.

8. The petitioner has approached the respondents for disbursement of the terminal benefits, retirement benefits and pensionary benefits of her late husband R.Ravichandran and the same was rejected by the 4th respondent on 16.03.2017 since the name of the petitioner was not mentioned in the Service Register of the late Constable R.Ravichandran. In the legal heir certificate dated 31.08.2015 issued by the Tahsildar of Perambur, Chennai – 11 by his proceedings NI.MU.No.(C2)/05418/2015 dated 31.08.2015 the following persons were mentioned as legal heirs of late R.Ravichandran. 1. R.Renuka, Age- 45 wife 2. R.Lakshimiammal, Age 80, mother. Though the petitioner claimed that the late R.Ravichandran married her on 07.09.1990 but her name was not mentioned in the Service Register, whereas two other names were mentioned namely Tmt.Rajaselvi/7th respondent and another Tmt.Ranga. Hence the 4th respondent directed the petitioner to submit a succession certificate in order to settle the terminal benefits, pensionary benefits of late R.Ravichandran. It is pertinent to note that in the counter affidavit filed by the



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8th respondent / R.Palani he has stated that R.Rajaselvi/7th respondent herein is his wife and he has married her on 14.02.1986 but in the Service Register the deceased Constable Ravichandran has mentioned the 7th respondent Rajaselvi as his wife. In the counter affidavit filed by the respondents, it is clearly stated that R.Rajaselvi and Ranga who are the wives according to the entries made in the Service Register made by the late Constable they have not claimed the terminal benefits, pension till date from the respondents.

9. As per the pension rules if there are more than one legal heir in the service book, succession certificate has to be submitted by the claimant from the competent Court. Hence the petitioner was directed to submit the same by the 4th respondent. During the course of argument, this Court directed the learned Special Government Pleader to submit the original Service Register of the deceased Constable R.Ravichandran and from perusal of the same, it is crystal clear and evident that the name of the petitioner is not mentioned in the Service Register and only the 7th respondent namely Rajaselvi name is mentioned in one nomination form and in another nomination form name of Ranga is mentioned as wife of late R.Ravichandran.



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10. In view of the above facts and circumstances of the case, this Court is not inclined to interfere with the order passed by the 4th respondent in Na.Ka.No.Oivudhiyam (Va.Ma)/211/9212/2015 dated 07.03.2017 & Na.Ka.No.Oivudhiyam (Va.Ma)/211/9212/2015 dated 16.03.2017 and the same is hereby confirmed.

11. In the result, this writ petition is dismissed with liberty to the petitioner to approach the competent Court for getting succession certificate and the delay caused during the pendency of the writ petition is excluded for the purpose of applying the succession certificate. No costs. Consequently connected miscellaneous petition is also closed.

07.09.2023

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



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To

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Rep.by its Secretary to Government
Home Department
Secretariat, Fort St.George,
Chennai 600 009.
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O/o.The Director General of Police
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