



WEB COPY



W.P.No.28052 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2023

CORAM

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No.28052 of 2023
and W.M.P.No.27566 of 2023

R.Leelavathy

.. Petitioner

Versus

1.The Principal Accountant General
(Accounts & Entitlements)
No.361, Anna Salai
Teynampet, Chennai – 10

2.The Commissioner of Police
Greater Chennai Corporation
Vepery, Chennai – 7

3.The Tahsildar
Tondiarpet Taluk Office
Tondiarpet, Chennai District

4.The Zonal Deputy Tahsildar
Tondiarpet Taluk Office
Tondiarpet, Chennai District

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records of the 2nd respondent, The commissioner of Police Chennai in R.C.No.COP/Pen.2(1)/093/25911/2023 dated 21.06.2023 and the subsequent order of the 1st respondent, The Principal Accountant General Officer, Chennai in Pen 5/2/17097/8925



W.P.No.28052 of 2023

dated 14.06.2023 and to quash the same and to direct the 1st respondent to pay pension to petitioner based on the view of income Certificate issued by the 4th respondent in Certificate No.TN-4202306303567 dated 01.07.2023 from the date of demise of the petitioner father.

For Petitioner : Mr.R.Naresh Kumar
For Respondents : Mr.V.Jeevagiridharan
Additional Government Pleader

ORDER

The challenge has been made to the order of the first respondent rejecting the family pension to the writ petitioner by relying upon the Income Certificate No.TN-4202302179857 dated 19.02.2023 holding that the writ petitioner is in receipt of Annual Income of Rs.96,000/-, therefore, she is ineligible for grant of family pension.

2. It is the main contention of the writ petitioner that income certificate relied upon by the first respondent is relating to her sister namely S.Padmavathi, whereas, income certificate of the petitioner is TN-4202306303567 dated 01.07.2023, which would clearly indicate her income is Rs.66,000/-.

3. I perused the entire materials. The contention of the learned counsel for the petitioner is well found on perusing the income certificate of



W.P.No.28052 of 2023

one Padhmavathy referred in the impugned order, which is, in fact, issued to one Padmavathy not to the petitioner herein. Therefore, the order impugned relying upon the income of some other person cannot be sustained in the eye of law. Accordingly, the same stands quashed. This Court directs the respondents to consider the case of the petitioner *de novo* based on the income certificate issued in TN-4202306303567 dated 01.07.2023 and pass appropriate orders on its merits and in accordance with law within a period of three months from the date of receipt of a copy of this Order.

4. Accordingly, this writ petition stands disposed of. No costs.

27.09.2023

dhk

Internet: Yes/No

Index : Yes/No

Neutral Citation : Yes/No

N. SATHISH KUMAR, J.



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W.P.No.28052 of 2023

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