



W.P.No.30285 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.30285 of 2023

Tmt.D. Rajammal

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep. by its Additional Chief Secretary to Government,
Transport Department,
Fort St. George,
Chennai – 600 009.

2.The Managing Director,
Metropolitan Transport Corporation,
Pallavan House, Anna Salai,
Chennai – 600 002.

3.The Senior Assistant Manager,
Metropolitan Transport Corporation,
Pallavan House, Anna Salai,
Chennai – 600 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to sanction the family pension to the petitioner along with arrears of the



W.P.No.30285 of 2023

WEB COPY

pension with interest at the rate of 12% per annum by considering the documents submitted by the petitioner, within a specified time as may be fixed by this Court.

For Petitioner : Mr.N. Senthil Kumar
For R1 : Mr.P. Ganesan
Government Advocate
For R2 & R3 : Mr.A. Vinothraj,
Standing Counsel

ORDER

Heard the learned counsel for the petitioner, learned Government Advocate for the first respondent, as well as the learned Standing Counsel appearing for the second and third respondents.

2. The petitioner's husband namely Late C.Duraisamy S/o Chengaiya, retired from service on 31.05.1997 and was drawing the monthly pension. Thereafter, on 18.05.2016, when he expired, the petitioner herein had made an application in Form 14 to the respondents



W.P.No.30285 of 2023

WEB COPY

seeking for grant of family pension. Through a communication dated 01.10.2021, the respondents/Corporation had stated that when the family pension to the petitioner was ordered, her husband's name has been referred to as D.Duraisamy and not C.Duraisamy and therefore, sought clarification from the petitioner. In this regard, the petitioner had given a detailed representation on 20.03.2023, clarifying that apart from the service certificate issued by the respondents/Corporation, all the other service documents including the revenue documents, evidences her husband's name as C.Duraisamy and therefore, sought for disbursal of the family pension. The said representation was not considered in time and hence, the present Writ Petition has been filed.

3. When the petitioner's husband had retired from service on 31.05.1997, his service certificate has been issued by the third respondent herein, mentioning his initial as D.Duraisamy. However, in the identity card issued by the respondents, the order granting the sanctioning of family pension and all other communications from the respondents/Corporation to the petitioner, evidences the petitioner's husband's name as C.Duraisamy only. Apparently, the mistake seems to



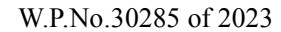
W.P.No.30285 of 2023

WEB COPY

have been committed by the respondents in the service certificate issued by them on 27.05.1997, showing the petitioner's husband's name as D.Duraisamy. Apart from the same, all the other records of the respondents evidences his name to be as C.Duraisamy. This apart, the Ration Card issued to the family of the petitioner's husband, Savings Bank Account and the Legal Heirship Certificate issued by the Tahsildar, also carries the name of the petitioner's husband as C.Duraisamy.

4. In the affidavit filed in support of the present Writ Petition also, the petitioner has clearly stated that her husband's name is C.Duraisamy S/o. Chengaiya and not D.Duraisamy.

5. Thus, this Court is of the view that the mistake that has crept in the service certificate issued by the respondents, cannot put against the petitioner herein and thereby, deprive her family pension. It is not in dispute that apart from the discrepancy pointed out by the respondents in the petitioner's husband's initial, she is otherwise entitled for the family pension.



7. Accordingly, the Writ Petition stands allowed. No costs.

Index: Yes
Speaking order
Internet: Yes
Neutral Citation: Yes

Sni



WEB COPY



W.P.No.30285 of 2023

M.S.RAMESH,J.

Sni

To

- 1.The Additional Chief Secretary to Government of Tamil Nadu,
Transport Department,
Fort St. George,
Chennai – 600 009.
- 2.The Managing Director,
Metropolitan Transport Corporation,
Pallavan House, Anna Salai,
Chennai – 600 002.
- 3.The Senior Assistant Manager,
Metropolitan Transport Corporation,
Pallavan House, Anna Salai,
Chennai – 600 002.

W.P.No.30285 of 2023

23.11.2023