



W.A.(MD) No.1347 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :18.08.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.A.(MD) No.1347 of 2023

R.Prithiviraj

... Appellant/Petitioner

-VS-

1.The Government of TamilNadu,
Rep. by the Additional Chief Secretary,
Transport Department, Secretariat,
Chennai – 600 009.

2.The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Limited.,
Byepass Road,
Madurai – 625010.

3.The General Manager,
TNSTC (Madurai) Limited,
Dindigul Region,
Dindigul – 624004.

4.The Tahsildhar,
Theni Taluk,
Theni District.

... Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside
the order, dated 11.02.2022, passed in W.P.(MD) No.2825 of 2022, on
the file of this Court.



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W.A.(MD) No.1347 of 2023

For Appellants : Mr.N.Karthik Kanna
For R-1 & R-4 : Mr.M.Lingadurai,
Special Government Pleader
For R-2 & R-3 : Mr.J.Senthilkumaraiah

J U D G M E N T

[Judgment of the Court was made by S.S.SUNDAR, J.]

This writ appeal is directed against the order of the learned Single Judge, dated 11.02.2022, passed in W.P.(MD) No.2825 of 2022.

2. The appellant filed a writ petition in W.P(MD)No.2825 of 2022 seeking for issuance of a Writ of Mandamus directing the second and third respondents to take all the necessary proceedings and disburse all the pensionary and monetary benefits to the writ petitioner's family without insisting any other certificates for the writ petitioner's name discrepancy in the service records of his deceased father.

3. The appellant / writ petitioner is the son of the deceased employee Late.S.Radhakrishnan. The facts relating to the employment, retirement and death of said Radhakrishnan are not in



W.A.(MD) No.1347 of 2023

issue. The writ petitioner's father died leaving behind his wife and children including the writ petitioner, who is the son of the deceased.

4. The grievance of the writ petitioner is that the retirement benefits had not been disbursed to the family of the employee even though his father died while in service on 17.05.2021. The respondents have no dispute with regard to the legal heirs of the deceased. However, it appears that there is some discrepancy in the appellant/writ petitioner's name as he is also known as Praveen. On account of this discrepancy, the respondents had expressed difficulty in disbursement of retirement benefit of the writ petitioner's father. Therefore, the refusal to consider the request of the legal heirs of the deceased employee on account of the discrepancy in the writ petitioner's name, prompted the writ petitioner to file the writ petition.

5. The Writ Court vide order dated 11.02.2022 dismissed the writ petition, with liberty to the writ petitioner to clarify the discrepancy in his name.

6. When the writ appeal is taken up for hearing today, the learned counsel appearing for respondents 2 and 3, fairly conceded



W.A.(MD) No.1347 of 2023

before this Court that the appellant has obtained a civil Court decree declaring that Prithiviraj and Praveen is one and the same person. The relief of mandatory injunction for recording the correct name of the writ petitioner was also granted by the civil Court in O.S.No.125 of 2022. In these circumstances, the writ petitioner is entitled to the relief prayed for in the writ petition.

7. The learned counsel appearing for the respondents 2 and 3, would also submit that the retirement benefits will be disbursed in due course.

8. Considering the said submission, the respondents are directed to disburse the retirement benefits to the appellant/writ petitioner's family, within a period of three months from the date of receipt of a copy of this judgment.

9. With the above direction, this writ appeal is disposed of.
No Costs.

[S.S.S.R., J.]

[D.B.C., J.]

18.08.2023

NCC : Yes / No



W.A.(MD) No.1347 of 2023

WEB CO
Index : Yes / No
PM

To:

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- 2.The Tahsildhar,
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W.A.(MD) No.1347 of 2023

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W.A.(MD) No.1347 of 2023

18.08.2023