

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.20142 of 2015

1.M.Kalyani

2.M.Gowtami

3.M.Tamiraikannan @ Dhanu

...Petitioners

-Versus-

1. The State

Rep. By its Managing Director,
Tamil Nadu State Corporation Limited,
No.37, Mettupalayam Road,
Coimbatore 641 043.

2. The Assistant Manager,

Tamil Nadu State Transport Corporation Limited,
No.37, Mettupalayam Road,
Coimbatore 641 043.

3. V.Mahendran

...Respondents

Writ Petition filed under Article 226 of the Constitution of India for the relief of issuance of Writ of Mandamus, directing the respondents 1 and 2 to disburse the terminal benefits and other extended benefits of the 3rd respondent who had worked as Sr. Tech. Assistant SRTM-9672, RC Unit I, Pollachi and allot as per law to the petitioner.

For petitioner : Mr.Kaviyanathan for
M/s.Nathan and Associates

For Respondents : Mr.P.Kannan Kumar for R1 to R3

ORDER

The first petitioner claims to be the wife of the 3rd respondent. The first petitioner would state that she got married with the 3rd respondent on 05.07.1989 and the petitioners 2 and 3 are the children born to her through the 3rd respondent. According

to the petitioner, her husband, the 3rd respondent was working in the respondent transport corporation as a Senior Technical Assistant.

2. It is the further case of the petitioner that the 3rd respondent had deserted her and started living with another lady. The 3rd respondent, while he was in service, even though there is no court order, paid a sum of Rs.4,000/- every month as maintenance to the petitionerS. Now, on attaining the age of the superannuation, the 3rd respondent retired from service on 30.09.2014. The first petitioner made a representation to the respondent corporation requesting them to pay her 75% of the retirement benefits of the 3rd respondent. But, the 1st respondent sent a reply on 11.06.2014 stating that unless she got an appropriate order from the court, the respondent corporation could not withhold the terminal benefits payable to the 3rd respondent. In these circumstances, the petitioners are now before this court with this writ petition seeking appropriate directions to the respondents 1 and 2 to disburse the terminal benefits payable to the 3rd respondent in her favour.

3. The learned counsel for the petitioners would submit that the 3rd respondent got married with the first petitioner on 05.07.1989 and subsequently he deserted her. He would further submit that since the first petitioner was paid Rs.4000/- every month as maintenance, the respondent corporation may be directed to disburse 75% of the terminal benefits of the 3rd respondent to the first petitioner.

4. Mr.Kannan Kumar, the learned standing counsel, who takes notice for the respondents 1 to 3 would stoutly oppose this writ petition. According to him, the petitioner ought to have approached the civil court or the family court seeking appropriate remedy and she is not entitled for any relief as sought for in this writ petition. Hence, he prays for dismissal of the writ petition.

5. I have considered the rival submission carefully.

6. At the out set, it is necessary to state that the petitioners sought to resolve the family dispute in this writ petition which cannot be entertained at all. They ought to have approached the Civil Court or the Family Court seeking appropriate remedy. In the above facts and circumstances, I am not inclined to invoke the extraordinary jurisdiction of this court under Article 226 of the Constitution and thus, this writ petition deserves only to be dismissed.

7. In the result, this writ petition is dismissed at the admission stage itself. However, it is made clear that the dismissal of the writ petition will not in any manner preclude the

petitioners to work out remedy before the Civil Court or Family Court in the manner known to law. No costs. Consequently, connected MP is closed.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

kmk

To

1.The Managing Director,
Tamil Nadu State Corporation Limited,
No.37, Mettupalayam Road,
Coimbatore 641 043.

2.The Assistant Manager,
Tamil Nadu State Transport Corporation Limited,
No.37, Mettupalayam Road,
Coimbatore 641 043.

1 CC to M/s.Nathan and Associates, Advocate SR.No.

1 CC to Mr.P.Kannan Kumar, Advocate SR.No.

RSK (CO)
PSI (05.08.2015)

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