

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.27685 of 2015
and
M.P.No.1 of 2015

Thenmozhi

...Petitioner

- Vs -

1. The Chief Engineer,
Building Branch, PWD,
Chepauk, Chennai - 5.
2. The Superintending Engineer,
PWD, Electrical Branch,
Cantonment, Tiruchirapalli.
3. The Assistant Engineer,
Electrical Division, PWD,
Tiruvarur.
4. The Assistant Engineer,
Electrical Division, PWD,
Thanjavur.
5. Nargunam

...Respondents

Prayer:- Writ Petition has been filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents 1 to 4 to include the name of the petitioner as the wife and nominee in the service records of the 5th respondent and also pay her 50% of the 5th respondent's gratuity and terminal benefits as per the petitioner's representation dated 06.08.2015.

For Petitioner : Mr.T.Sezhian
For Respondents 1 to 4 : Mr.N.Srinivasan
Additional Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal.

2. It is the claim of the petitioner that she married the 5th respondent and subsequently he filed a petition for divorce in O.P.No.72 of 1990 before the Sub Court, Mayiladuthurai and it was dismissed. Challenging the same the 5th respondent preferred an appeal in C.M.A.No.89 of 1991 before the District Court, Nagapattinam and the same was allowed and divorce was granted. The petitioner aggrieved by the said order, filed C.M.S.A.No.4 of 1993 on the file of this Court and it was allowed and interim maintenance was ordered and the petitioner also obtained an ad interim order against the 5th respondent from getting married. The petitioner also filed O.S.No.139 of 2002 for maintenance and though it was decreed, the 5th respondent did not pay the maintenance amount and hence she filed execution petition for attaching his salary and also sought an order to restrain the 5th respondent from getting money / salary from his office. The grievance now expressed by the petitioner is that in spite of the injunction order, the 5th respondent got married to one Asha and he is trying to enter her name in his service records as his wife. In this regard, she submitted a representation dated 06.08.2015, to the second respondent and since no orders has been passed, came forward to file this writ petition.

3. Heard the submissions of Mr.T.Sezhian, learned counsel appearing for the petitioner and Mr.N.Srinivasan, learned Additional Government Pleader who accepts notice on behalf of the respondents 1 to 4.

4. Though the petitioner prays for a larger relief, this Court in the light of the facts and circumstances of the case, without going into the merits of the same directs the second respondent to consider the representation of the petitioner dated 06.08.2015, on merits and in accordance with law, after putting on notice the 5th respondent and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as the 5th respondent. The writ petition

is disposed of accordingly. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Chief Engineer,
Building Branch, PWD,
Chepauk, Chennai - 5.
2. The Superintending Engineer,
PWD, Electrical Branch,
Cantonment, Tiruchirapalli.
3. The Assistant Engineer,
Electrical Division, PWD, Tiruvarur.
4. The Assistant Engineer,
Electrical Division, PWD, Thanjavur.

1 CC to R.Meenal, Advocate SR.No. 47727

1 CC to the Government Pleader, SR.No. 48091

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CTK (CO)
PSI (24.09.2015)

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