



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :03.09.2015

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P(MD).No.13561 of 2015

B.Lilly Bheemsingh

...Petitioner

Vs.

1.The Divisional Magistrate cum
Revenue Divisional Officer,
Madurai.

2.The Chief Personal Officer,
Integral Coach Factory(ICF),
Chennai -38.

...Respondents

Prayer:-This Writ Petition has been filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the second respondent to execute the award, dated 19.05.2015 in Na.Ka.No.4965/2015/M, passed by the first respondent, by transferring a sum of Rs.3,000/- per month from the salary of Mathansingh, B.F.No.806493 to the petitioner's savings bank Account No.6177096286, Indian Bank, Arapalayam Branch, Madurai considering the petitioner's representation, dated 15.06.2015.

For petitioner

:Mr.M.Sendhilkumar

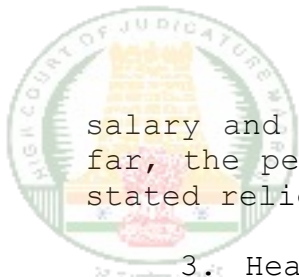
For Respondents

:Mr.A.Hajamohideen

ORDER

This Writ Petition has been filed praying for a Writ of Mandamus directing the second respondent to execute the award, dated 19.05.2015 in Na.Ka.No.4965/2015/M, passed by the first respondent, by transferring a sum of Rs.3,000/- per month from the salary of Mathansingh, B.F.No.806493 to the petitioner's savings bank Account No.6177096286, Indian Bank, Arapalayam Branch, Madurai, considering the petitioner's representation, dated 15.06.2015.

2.The case of the petitioner is that the petitioner is a destitute widow. Her husband Bheemsingh was a retired supervisor of Fenner India Ltd. Her husband, died on 12.11.2010. The petitioner is having three sons. After the death of the petitioner's husband, the petitioner lived along with her first son. To meet the medical expenses, the petitioner needs at least Rs.3000/- per month. With the meagre income, her elder sons cannot bear the petitioner's medical income. Hence, the petitioner filed a petition before the first respondent Divisional Magistrate cum Revenue Divisional Officer, Madurai, against her third son Mathansingh, who is working as a Technician(Grade I) at I.C.F., Chennai, seeking maintenance and in which, a monthly maintenance of Rs.3,000/- was ordered. But, the son of the petitioner did not pay the same. Hence, the petitioner gave a representation, dated 15.06.2015, to the second respondent, who is the in-charge of the petitioner's son Mathansingh's



salary and service. Since the said representation was not considered so far, the petitioner has come forward with the Writ Petition for the above stated relief.

3. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

4. Though the Writ Petition has been filed for a positive direction, this Court cannot give such a positive direction. However, I find that the petitioner has given a representation to the second respondent, dated 15.06.2015 to execute the award passed by the first respondent.

5. In view of the same, without going into the merits of the claim made by the petitioner, this Court directs the second respondent to consider the representation of the petitioner, dated 15.06.2015, and pass appropriate orders on merits and in accordance with law, by affording an opportunity of hearing to all the necessary parties, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion on the merits of the claim made by the petitioner and it is for the second respondent to pass appropriate orders purely on merits.

With the above direction, the Writ Petition is disposed of. No Costs.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

pm

To

1.The Divisional Magistrate cum Revenue Divisional Officer, Madurai.

2.The Chief Personal Officer, Integral Coach Factory(ICF), Chennai -38.

+one cc to Mr.M.Sendhilkumar, Advocate in SR.NO.51643

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CSL/SKS-RR/14.09.2015

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