

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 1.9.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.No.30443 of 2015

M.Nehru

... Petitioner

Versus

1. The Principal District Judge
Villupuram

2. The Subordinate Judge
Gingee

3. Indira Nehru

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing respondents 1 and 2 to disburse the terminal benefits of the petitioner within a specified period.

For petitioner : Mr.V.Bhiman

For R1 and R2 : Mr.M.Maharaja,
Additional Government Pleader

For R3 : M/s.Ramdoss

ORDER

(Order of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel for the parties.

2. The writ petition has been filed seeking issuance of a writ of mandamus directing respondents 1 and 2 to disburse the terminal benefits of the petitioner within a specified period.

3. The petitioner is said to have retired from service on 30.6.2015. The petitioner is having some matrimonial dispute with his wife viz., the third respondent and therefore, they are staying away for more than 15 years. In this situation, it appears that the third respondent is said to have approached the

High Court and submitted a representation and on that basis, enquiry was conducted, a letter was issued by the Registry of High Court to the District Judge to conduct a discreet enquiry and submit his report and as such, the first respondent herein directed the second respondent to withhold the terminal benefits of the petitioner.

4. The submission of the learned counsel appearing for the third respondent-wife of the petitioner is that there is a maintenance case against the petitioner wherein the maintenance ordered was not paid so far.

5. In view of the facts and circumstances of the case, we are of the view that there shall be a direction to the Principal District Judge, Villupuram to recommend for the settlement of the terminal benefits of the petitioner, within a period of two months from the date of receipt of copy of this order. However, there shall be lean on the said amount as per the order of the Civil Court, in favour of the third respondent towards arrears to be paid towards maintenance. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ssk.

To

1. The Principal District Judge
Villupuram
2. The Subordinate Judge
Gingee

+1cc to Mr.V.Bhiman, Advocate, S.R.No.49706
+1cc to M/s.Ramdoss, Advocate, S.R.No.49951
+1cc to the Government Pleader, S.R.No.50501

W.P.No.30443 of 2015

NM(CO)
CA(28/09/2016)