

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.07.2016

CORAM

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

W.P. No.23281 of 2016

R.Vijay

.. Petitioner

Vs.

The General Manager
[Administration],
Tamil Nadu Civil Supplies
Corporation, Head Office,
12, Thambu Samy Road,
Chennai - 600 010.

.. Respondent

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent herein to consider the petitioner's representation dated 16.12.2015 and thereby directing the respondent to take action accordingly within a time frame fixed by this Court in accordance with law.

For Petitioner : Mr.S.Prabhu

For Respondent : Mr.L.P.Shanmugasundaram

O R D E R

This Writ Petition has been filed to issue a Writ of Mandamus, to direct the respondent to consider the petitioner's representation dated 16.12.2015.

2.The petitioner's father married the mother of the petitioner in the year 1975 as per Hindu Rites and Customs and out of their wedlock, two children were born to them. His father had joined in the respondent's Corporation as a Driver and now, he has been working as a Special Grade Driver. According to the petitioner, his father's service record, the name of one Anuradha has been incorporated, as his wife and Srinath, as his son by deleting the name of his mother and children. Hence, the petitioner made a representation to the respondent on 16.12.2015; but till date no orders have been passed and hence, the Writ Petition has been filed.

3.Mr.S.Prabhu, learned counsel for the petitioner would submit that the grievance of the petitioner, who is the son of one Ravichandran, employed in respondent-Department, is that his father had changed the nominee clause in the Service Register incorporating the name of his second wife. In so far as the complaint given by the petitioner's mother is concerned, it is still pending. He further submitted that since the petitioner's father is due to retire from service on 31.08.2016, he would be satisfied, if the respondent is directed to consider the representation of the petitioner dated 16.12.2015 and appropriate orders are passed on or before 31.08.2016.

4.Mr.L.P.Shanmugasundaram, learned Standing Counsel for the respondent would contend that as far as the nomination is concerned, anybody can be nominated, but if the first marriage is still in existence, then it will be looked into. He further submitted that he has got no serious objection for directing the respondent to consider the representation of the petitioner and pass appropriate orders, on merits and in accordance with law.

5.Considering the submissions made on either side, this Court, without going into the merits of the claim made by the petitioner, directs the respondent to consider the representation of the petitioner dated 16.12.2015, and also the complaint given by the mother of the petitioner, if any, after giving notice to all parties concerned and pass appropriate orders, on merits and in accordance with law afresh, as expeditiously as possible, preferably, on or before 31.08.2016. However, it is made clear the respondent shall pass orders, independently, depending on the facts and circumstances of the case.

6.The Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sri

To

The General Manager [Administration],
Tamil Nadu Civil Supplies Corporation,
Head Office,
12, Thambu Samy Road,
Chennai - 600 010.

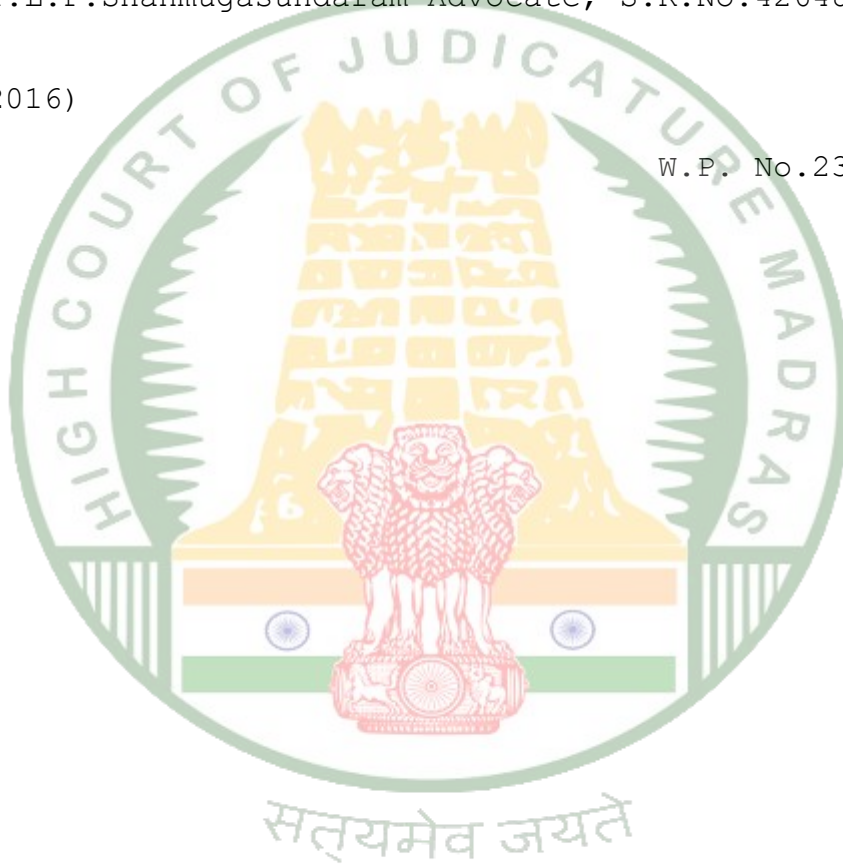
+1cc to Mr.S. Prabhu, Advocate, S.R.No.42233

+1cc to Mr.L.P.Shanmugasundaram Advocate, S.R.No.42648

GJII(CO)

EU(16/08/2016)

W.P. No.23281 of 2016



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