

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2016

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.32177 of 2016

J.Raja Swamy Doss

.. Petitioner

vs.

1.The Managing Director,
Tamilnadu State Transport Corporation Ltd.,
No.37, Mettupalayam Road,
Coimbatore District.

2.The Tamilnadu State Transport Corporation
Employee Pension Fund Trust,
The Administrative Office,
Tiruvallure Illam,
Pallavan Salai, Chennai-2. .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to consider and pass orders on merits and in accordance with law by disposing the written representations made by the petitioner on 19.02.2016 and consequently, directing the respondents to make entry in the service register of the petitioner A.Maragathamani as nominee in his pension Book (Service Register) so as to enable the nominee to get family pension after life time of the petitioner.

For Petitioner : Mr.P.Sivakumar

For Respondents : Mr.P.Kannan Kumar

ORDER

This Writ Petition has been filed praying for issuance of a Writ of Mandamus directing the respondents to consider and pass orders on merits and in accordance with law by disposing the written representations made by the petitioner on 19.02.2016 and consequently directing the respondents to make entry in the service register of the petitioner A.Maragathamani as nominee in his pension book (service register) so as to enable the nominee to get family pension after life time of the petitioner.

2. The petitioner worked as Bus Driver (Token No.10703) in the respondent Corporation and retired from service on 31.01.2011 and while in service, he married one Nirmala as per Christian Marriage

Rights and Customs on 15.09.1986 and within few days of marriage, his wife left the matrimonial home and thereafter remarried one Andich Edward Moses on 08.05.1995. The petitioner, hoping that his wife Nirmala would come back to the matrimonial home, gave her name as nominee in his service register. Subsequently, the petitioner married one A.Maragathamani on 04.12.1989 and got registered before the Sub-Registrar (Marriages) Kothagiri. The petitioner, after his second marriage with A.Maragathamani, approached the respondents and made a request to delete the name of the nominee S.Nirmala and change it as A.Maragathamani in the service register. But the respondents refused to do so unless the petitioner get divorce from the Court of law. Hence, the petitioner filed a petition for divorce in O.P.No.60 of 2011 on the ground of adultery and cruelty and the District Court, Uthagamandalam granted decree of divorce on 20.10.2011. Thereafter, the petitioner sent a representation to the respondents on 19.02.2016 requesting to make entry in his service register entering A.Maragathamani as nominee and since it was not considered by the respondents, the petitioner came forward with this writ petition.

3. Heard the submissions of learned counsel appearing for the petitioner, Mr.P.Kannan Kumar, learned Standing Counsel appearing for the respondent Corporation and also perused the entire materials placed before it.

4. This Court, without going into the merits of the petitioner's representation, directs the respondents to consider and dispose of the petitioner's representation dated 19.02.2016 on merits and pass orders in accordance with law within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this Court is not expressing any opinion on merits and it is for the respondents to deal with the merits.

5. This Writ Petition is disposed of accordingly. No costs.

Jvm

Sd/-

Assistant Registrar (CS-II)

/TRUE COPY/

Sub-Assistant Registrar

To

1.The Managing Director,
Tamilnadu State Transport Corporation Ltd.,
No.37, Mettupalayam Road,
Coimbatore District.

2.The Tamilnadu State Transport Corporation
Employee Pension Fund Trust,
The Administrative Office,
Tiruvallure Illam,
Pallavan Salai, Chennai-2.

+2CC to MR.P.KANNANKUMAR Advocate for TNSTC SR.NO.53089
+1CC to MR.P.SIVAKUMAR Advocate SR.NO.52876

W.P.No.32177 of 2016

AD[CO]
MK:20/10/2016



19.09.2016

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