

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.6235 of 2016

R.Punithan

.. Petitioner

Vs.

- 1.The Managing Director
Tamil Nadu State Transport Corporation (Villupuram) Limited
No.3/137, Salamedu, Vazhuthareddy,
Villupuram 605 602.
- 2 The General Manager
Tamil Nadu State Transport Corporation
(Villupuram) Limited Kancheepuram Region
Ponnerikarai Vellore Main Road
Kancheepuram.
- 3 The Deputy Manager (Legal)
Tamil Nadu State Transport Corporation
(Villupuram) Limited Kancheepuram Region
Ponnerikarai Vellore Main Road
Kancheepuram.
- 4 The Deputy Manager (Personal)
Tamil Nadu State Transport Corporation
(Villupuram) Limited Kancheepuram Region
Ponnerikarai Vellore Main Road
Kancheepuram

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus to direct the 4th respondents to enter the name of the petitioner's wife P.Pushpa and their daughters names (P.Malarkodi, P.Malarvizhi) in the Service record as legal heirs.

For Petitioner : Ms.K.Vasanthamala
For respondents : Mr.S.Sairaman.

O R D E R

With the consent of both sides, the Writ Petition is taken up for final disposal.

2.The petitioner has come up with the present writ petition for issuance of writ of mandamus to direct the 4th respondent to enter the name of the petitioner's wife P.Pushpa and their daughters names (P.Malarkodi, P.Malarvizhi) in the Service record as legal heirs.

3.The petitioner is working as conductor in the Tamil Nadu State Transport Corporation (Villupuram) Ltd., from 05.06.2000. He got married on 18.10.1993 to one Dhanalakshmi residing at 115, Lake view Road, West Mambalam, Chennai, who deserted the petitioner soon after marriage due to physical and mental ailments. The petitioner took steps to reunion, through mediation done by family members and village panchayat, but she refused to return back to matrimonial home.

4.In the meanwhile, the petitioner approached the Court to dissolve the first marriage on the ground of desertion, the same was ordered on 08.09.2014 by the Sub Court, Maduranthagam. After six years the petitioner developed live in relationship with one P.Pushpa, on 04.10.2003 first daughter/P.Malarkodi and on 06.10.2005 second daughter/P.Malarvizhi were born to them. The petitioner got married Pushpa on 23.01.2015 as per Hindu rites and customs in a nearby temple in the village.

5.The petitioner approached the 4th respondent to delete the name of the first wife Dhanalakshmi and include the name of P.Pushpa as his nominee alongwith the marriage dissolution order passed by the Sub Court, Madhuranthagam. The 4th respondent removed the name of Dhanalakshmi and refused to include the name of Pushpa and their daughters. Hence, the petitioner approached this Court by way of present writ petition.

6.Heard the submissions of learned counsel appearing for the petitioner and the learned standing counsel who accepts notice on behalf of the respondents.

7.Considering the facts and circumstances, this Court directs the petitioner to give fresh representation to the third respondent along with the copies of relevant documents within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the third respondent is directed to pass orders, on merits and in accordance with law, within a period of eight weeks, thereon, after affording opportunity of personal hearing to the petitioner as well as to the necessary parties, if any. It is made clear, that this Court has not expressed any opinion with regard to the merits of the claim of the petitioner.

8.The writ petition is disposed of accordingly. No costs.
tsh

-s/d-
Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Managing Director
Tamil Nadu State Transport
Corporation (Villupuram) Limited
District Collector
Sathuvachari,
Vellore District.
- 2 The General Manager
Tamil Nadu State Transport Corporation
(Villupuram) Limited Kancheepuram Region
Ponnerikarai Vellore Main Road
Kancheepuram.
- 3 The Deputy Manager (Legal)
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Tamil Nadu State Transport Corporation
(Villupuram) Limited Kancheepuram Region
Ponnerikarai Vellore Main Road
Kancheepuram.

+ 1 cc to Mr.S.Sairaman, Advocate, SR 10880

+ 2 cc to Mr.U.M.Ravichandran, Advocate SR 10739

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