



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2016

CORAM :

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

WEB COPY

Writ Petition (MD) No.5706 of 2016

and

W.M.P (MD) No.5139 of 2016

S.Kavitha

... Petitioner

Vs.

1.The General Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Kumbakonam Division,
Kumbakonam.

2.The Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Thiruppathur Depot,
Thiruppathur,
Sivagangai District.

3.Sundaraj

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 1st respondent to consider and dispose the petitioners legitimate right to get the share in the retirement benefits going to be given to the 3rd respondent after his retirement from service on 31.05.2016 based on the petitioners detailed representation dated 05.02.2016 made to the 1st respondent.

For Petitioner	:	Mr.K.Kannan
For Respondents 1&2	:	Mr.D.Sivaraman
		Standing Counsel.

ORDER

The petitioner has come up with the above writ petition seeking for the issue of a writ of mandamus, to direct the first respondent to consider and dispose of the petitioner's legitimate right to get the share in the retirement benefits going to be given to the third respondent after his retirement from service on 31.05.2016 based on the petitioner's detailed representation dated 05.02.2016 made to the first respondent.

2.Heard the learned counsel for the petitioner.
<https://hservices.ecourts.gov.in/services/> learned Standing Counsel takes notice for the respondents.



3.The petitioner is the second wife of the third respondent. She is claiming retiral benefits of the third respondent who is due to retire on 31.05.2016. Admittedly, the first wife of the third respondent is alive and the alleged marriage of the petitioner with the third respondent itself is void. It is to be noted that when the beneficiary, namely, the first wife is alive, the question of retiral benefits being disbursed among the legal heirs does not arise much less the second respondent who is the second wife of the third respondent claiming the same. Hence, the writ petition is dismissed. No costs. Consequently, W.M.P (MD) No.5139 of 2016 is closed.

Sd/

Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar

1.The General Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Kumbakonam Division,
Kumbakonam.

2.The Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Thiruppathur Depot,
Thiruppathur,
Sivagangai District.

+1cc to Mr.Sivaraman, Advocate SR.No.16476
CN/AN-MP/4.4.2016/2P-4C

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