

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2017
CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.14514 of 2017

Baby
W/o Kumar

..Petitioner

-vs-

1. The General Manager
Tamil Nadu State Transport Corporation
(Coimbatore) Ltd.,
Mettupalayam Road
Coimbatore
2. C.Kumar

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 30.05.2017 within a stipulated time frame as fixed by this Hon'ble Court.

For Petitioner :: Mr.D.R.Arun Kumar

For Respondents:: Mr.A.Anthony Arockia Raja for R1

ORDER

The petitioner is admittedly the second wife of one Mr.C.Kumar, Special Grade Conductor working in the Tamil Nadu State Transport Corporation (Coimbatore) Limited, seeking equal rights on the salary and other retiral benefits of the second respondent from the General Manager of Tamil Nadu State Transport Corporation (Coimbatore) Limited, the first respondent herein. The claim of the petitioner shows that the second respondent, having made some false promise, married her and after sometime, suddenly abandoning the petitioner at the verge of retirement, tried to receive the retiral benefits, without paying anything to her. Therefore the petitioner, after verification that the first respondent is going to pay and disburse all the retiral benefits to the second respondent on the date of retirement, has given a representation on 30.5.2017. But the second respondent has not considered the same and the same is kept in cold storage.

2. It is the admitted case of the petitioner that after marrying one Kalimuthu in the year 1980, she was blessed with two male children. Since she was abandoned by her previous

husband Mr.Kalimuthu, she was put to high level of frustration. Subsequently, the second respondent developed close acquaintance with her and suppressing the fact that he was married, taking advantage of her situation, made a proposal for marrying her. Although the petitioner refused to marry the second respondent, after sometime, believing his sweet words, she married him. But after living with him, the second respondent has refused to nominate her in the service records. Finally, on coming to know that he is going to retire on 31.3.2018, she has given a representation to the first respondent to consider the case of the petitioner for all other legal benefits. As the same has not been considered, she has been advised to come to this Court under Article 226 of the Constitution of India.

3. But this Court is not inclined to entertain the writ petition. The reason is that when the petitioner herself has admitted that after marrying one Kalimuthu in the year 1980 and blessed with two male children, has not even divorced, in the manner known to law, the said Kalimuthu, it is not known how the petitioner can say that the second respondent had married her and therefore she has got a legal right to get the retiral benefits of the second respondent. Therefore, the writ petition, being wholly misconceived, is accordingly dismissed. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

ss

To

1. The General Manager
Tamil Nadu State Transport Corporation
(Coimbatore) Ltd.,
Mettupalayam Road
Coimbatore

+1cc to Mr.D.R.Arun Kumar, Advocate Sr. 41523
+1cc to Mr.A. Anthony Arockia Raja, Advocate Sr. 41446

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SV(CO)
VR(21/06/2017)