

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.15446 of 2017

A.S.Kotteswaran

... Petitioner

-vs-

1. Greater Chennai Corporation
rep by its Commissioner
Ripon Buildings
Chennai 600 003
2. The Deputy Commissioner (Education)
Education Department
Greater Chennai Corporation
Ripon Buildings
Chennai 600 003
3. The Educational Officer
Department of School Education
Greater Chennai Corporation
Ripon Buildings
Chennai 600 003
4. Mrs.K.Kalai Selvi ... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents 1 to 3 herein to receive and process the pension application of the petitioner without reference to pendency of O.S.No.780 of 2017 dated 13.02.2017.

For Petitioner :: Mr.Venkataswamy Babu
For Respondents 2 & 3 :: Mr.P.Sanjay Gandhi
Additional Government
Pleader

ORDER

The petitioner has come to this Court seeking a writ of mandamus, directing the respondents 1 to 3 herein to receive and process his pension application without reference to the pendency of the civil suit filed by his first wife, who also

executed an agreement on 25.10.85 to leave the petitioner and to live with another person.

2. Learned counsel for the petitioner submitted that after the petitioner got married the fourth respondent-K.Kalai Selvi in the year 1980, subsequently, she only deserted the petitioner and eloped with another person, and on being further persuaded to come for compromise, she had also executed a document stating that she wanted to live with her paramour and refused to live with the petitioner. Only thereafter, the petitioner married another woman. Now the fourth respondent has filed a suit in O.S.No.780 of 2017 on the file of the learned VIII Assistant Judge, City Civil Court, Chennai for grant of permanent injunction restraining the respondents from disbursing the retirement benefits of the petitioner without her knowledge. In view of the same, the petitioner's pension application has not been processed. Therefore, without reference to the pending suit, a direction may be given to the respondents as prayed for.

3. But this Court is not inclined to entertain the writ petition, as the petitioner can always make such a request before the Court below where the suit is pending. However, considering the fact that the issue relates to pension and it was also stated that the pleadings are complete, the learned VIII Assistant Judge, City Civil Court, Chennai shall dispose of the suit in O.S.No.780 of 2017 on merits and in accordance with law, within a period of six months from the date of receipt of a copy of this order, so that the petitioner may be in a position to receive the pensionary benefits. With this observation, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

WEB COPY

ss

To

1. The Commissioner
Greater Chennai Corporation
Ripon Buildings
Chennai 600 003

2. The Deputy Commissioner (Education)
Education Department
Greater Chennai Corporation
Ripon Buildings
Chennai 600 003

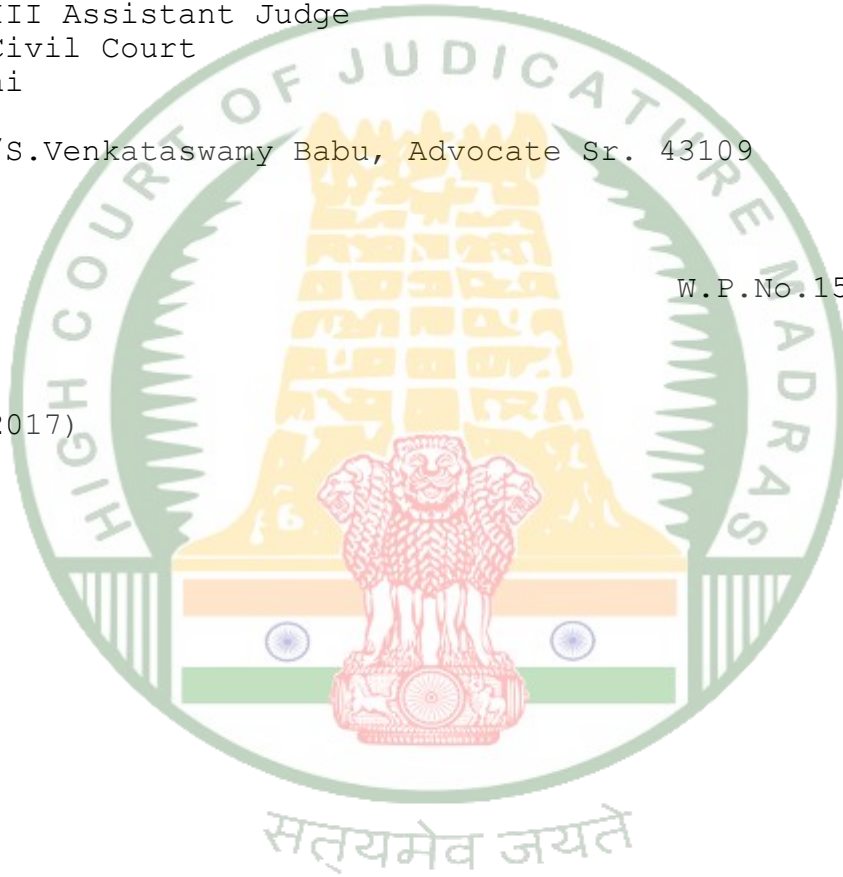
3. The Educational Officer
Department of School Education
Greater Chennai Corporation
Ripon Buildings
Chennai 600 003

4. The VIII Assistant Judge
City Civil Court
Chennai

+1cc to M/S.Venkataswamy Babu, Advocate Sr. 43109

W.P.No.15446 of 2017

SVI (CO)
VR(05/07/2017)



WEB COPY