

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.27794 of 2017

G.Thulasingham

... Petitioner

-Vs-

1. The Managing Director
Tamil Nadu State Transport Corporation
Villupuram Division
Villupuram

2. The General Manager
Tamil Nadu State Transport Corporation
Villupuram Division
Villupuram

... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the second respondent namely the General Manager, Tamil Nadu State Transport Corporation, Villupuram Division, Villupuram to include the name of the petitioner's wife Mrs.Vembu in the service register of the petitioner being maintained by the second respondent.

For Petitioner : Ms.G.Radhika

For Respondents : Mr.A.Antony Arokiaraj

ORDER

The petitioner joined as Conductor on 9.3.85 in the Tamil Nadu State Transport Corporation Limited, Villupuram Division. After some time, he was promoted as Checking Inspector. However, he had a set back in his matrimonial life, since his wife Mrs.Saraswathi, after the marriage on 20.1.83, started living separately for about 30 years, it is stated and left the matrimonial home after the birth of the second female child. He moved a divorce petition on the ground of desertion in M.O.P.No.95 of 2012 on the file of the Family Court, Puducherry. Accepting his case that he was deserted by his wife, the learned District Judge, Family Court, Puducherry granted a decree of divorce under Section 13(1)(ib) of the Hindu Marriage Act, 1955 on 21.2.2013. A reading of the decree also shows that the petition filed by the petitioner was allowed granting divorce on

the ground of desertion and dissolving the marriage between the petitioner and the Mrs.Saraswathi solemnized on 20.1.83. Subsequently, the petitioner got married with one Mrs.Vembu and has given a representation with the relevant documents before the second respondent requesting to include his second wife's name in the service register. But no action has been taken. Therefore, a direction is sought for, it is pleaded.

2. The learned standing counsel for the respondents, after taking note of the divorce decree granted by the learned District Judge, Puducherry in M.O.P.No.95 of 2012 on 21.2.2013, sought two weeks time to consider the petitioner's representation.

3. Recording his statement, the second respondent is hereby directed to consider the pending representation of the petitioner in the light of the divorce decree dated 21.2.2013 and pass appropriate orders in accordance with law within a period of two weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

ss

To

1. The Managing Director
Tamil Nadu State Transport Corporation
Villupuram Division
Villupuram

2. The General Manager
Tamil Nadu State Transport Corporation
Villupuram Division
Villupuram

+1cc to Mrs.G.Radhika, Advocate, S.R.No.76874
+1cc to Mr.Antony Arockiaraj, Advocate, S.R.No.76713

W.P.No.27794 of 2017

AR V
CA(13/11/2017)