



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P (MD) No.11237 of 2017

Ramamoorthy

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Kumbakonam,
Thanjavur District.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Karaikudi Region,
Karikudi,
Sivagangai District.

.. Respondents

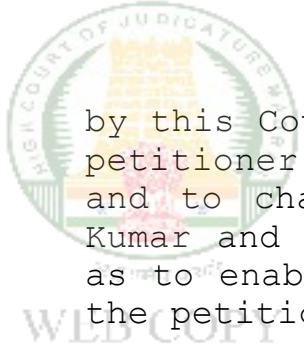
PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the 2nd respondent to consider and pass orders on merits and in accordance with law by disposing the petitioner's representations dated 09.09.2016 and 16.12.2016 within the time limit that may be stipulated by this Court and consequently, to direct the second respondent to make entry in service register of the petitioner by deleting the name of Muth Tamil Selvi from nominee and to change the nominees' names as 1)Muthumari(wife), 2)Vinoth Kumar and 3) Nithis Kumar in the petitioner's service register so as to enable them to get family pension and all other benefits of the petitioner, after the life time of the petitioner.

For Petitioner
For Respondent

: Mr.M.S.Jeyakarthik
: Mr.D.Sivaraman
Transport Corporation

O R D E R

This writ petition has been filed seeking Writ of Mandamus ~~from the second respondent~~ ^{from the} second respondent, Tamil Nadu State Transport Corporation (Kumbakonam) Ltd., to consider his representation dated 09.09.2016 and 16.12.2016 within the time limit stipulated



by this Court and further to make entry in service register of the petitioner by deleting the name of Muththamil Selvi from nominee and to change the nominees' names as 1)Muthumari(wife), 2)Vinoth Kumar and 3)Nithis Kumar, in the petitioner's service register so as to enable them to get family pension and all other benefits of the petitioner, after the life time of the petitioner.

2.Heard Mr.M.S.Jeyakarthik, learned counsel appearing for the petitioner and Mr.D.Sivaraman, learned counsel appearing for the respondents.

3.The case of the petitioner is that the petitioner was joined as Conductor in the respondent's Corporation in the year 1998. The petitioner married one Muththamil Selvi on 20.06.1998 and due to controversy arose between them, they lived separately and thereafter, he got customary divorce through the village elders. After getting customary divorce, there was no contact and no relationship with the said Muththamil Selvi. Thereafter, he married one Muthumari, as per Hindu Religious and Customs and got two sons through the second wife. Further, at the time of joining of service, the petitioner gave the first wife name as nominee in his service register. Therefore, the petitioner approached the second respondent and made a request to replace the name of the first wife, as abandoned him 15 years ago and till date whereabouts are not known.

4.This Court is not able to entertain the said prayer, for a simple reason that the petitioner having contracted marriage with his first wife, until and unless, the said marriage is legally dissolved in the manner known to law, he cannot replace her name with anybody name. Therefore, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar

To

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Kumbakonam, Thanjavur District.

2.The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Karaikudi Region, Karikudi, Sivagangai District.

+One cc to Mr.M.S.Jeyakarthick, Advocate, SR.No.65147

+One cc to Mr.D.Sivaraman, Advocate, SR.No.65129

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