



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2017

CORAM

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THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.(MD) No.143 of 2017
and

W.M.P(MD) No.122 of 2017

Subramanian

.. Petitioner

Vs.

1.The Chairman,
Tuticorin Port Trust,
Tuticorin - 628 004.2.S.Athimuthu,
Roll No.10001046,
Tuticorin Port Trust,
Cargo Handling Labour Pool,
Tuticorin - 628 004.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, to forbear the first respondent from disbursing the special VRS(Voluntary Retirement Scheme) benefits to the Petitioner's father namely Athimuthu without the knowledge of the Petitioner based on the Petitioner's representation dated 17.11.2016.

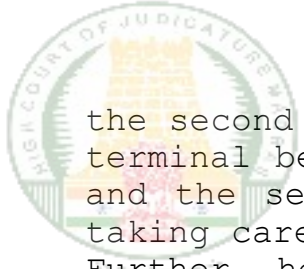
For Petitioner : M/s.M.S.Jeyakarthish

O R D E R

This Writ Petition has been filed, for issuance of a writ of Mandamus, to forbear the first respondent from disbursing the special VRS(Voluntary Retirement Scheme) benefits to the Petitioner's father namely Athimuthu without the knowledge of the Petitioner based on the Petitioner's representation dated 17.11.2016.

2.Heard the learned counsel for the Petitioner and the main Writ Petition itself is taken up for final disposal at the stage of admission itself.

3.The Petitioner has come forward with an innocuous prayer that he is the son of the second wife of the second respondent and he was born to the second respondent and the second wife of second respondent and that he is studying in B.E Course. He submitted that



the second respondent has attempted to get VRS and to avail all the terminal benefits and that the Petitioner is studying in B.E Course and the second respondent has deserted the entire family and not taking care of his second wife namely, the mother of the Petitioner. Further, he would submit that they are also making arrangements to file a petition for maintenance before the appropriate forum. He submitted that if the terminal benefits are disbursed to the second respondent, there is no chance for any recovery or attachment of any amount due to the second respondent. It is submitted that it is the bounden duty of the second respondent to take care of his second wife and her son.

4.The benefits accrued while in service will have to be paid to the employee, unless there is an order of attachment or injunction by a competent civil Court or the Family Court directing the second respondent to pay maintenance to his second wife or to any person. Admittedly, this is a civil dispute and that the civil matter has been converted into a Writ Petition. Though the Petitioner has sought that his representation should be disposed of, it is indirectly would amount that the terminal benefits will have to be stopped which is not due to the Petitioner, This Court feels that this relief cannot be achieved by filing a Writ Petition. I find no merit in the Writ Petition and thus the Writ Petition fails. Though it is a fit case for imposing costs on the Petitioner, since it is a family dispute, this Court refrain from imposing costs.

5.Accordingly, the Writ Petition is dismissed. Consequently, connected Miscellaneous Petition is dismissed. No costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To:
The Chairman,
Tuticorin Port Trust,
Tuticorin - 628 004.

+1 cc to Mr. M.S.JEYAKARTHIK, Advocate, Sr.No:988
vsn
MAS/GSV-SV:27.01.2017:2P/3C

W.P. (MD) No.143 of 2017
and

W.M.P (MD) No.122 of 2017
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