

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.05.2018

CORAM :

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.12827 of 2018

W.M.P.Nos.15065 & 15066 of 2018

Vijayasamundeeswari

... Petitioner

-Vs-

1. The Deputy Chief Manager (B & O),  
HR Section, Network - 2,  
Administrative Office  
State Bank of India,  
Kurinji Complex,  
State Bank Road,  
Coimbatore - 641 018.

2. The Chief Manager,  
State Bank of India,  
Namakkal Branch,  
Namakkal.

3.Rajendran

.... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order made in HR/KB/6937 dated 16.05.2018 passed by the first respondent and quash the same and further forbearing the first and second respondent from disbursing the retirement benefits to the third respondent.

For Petitioner : Mr.G.Pugazhenth

O R D E R

Heard Mr.G.Pugazhenth, learned counsel for the petitioner.

2. The petitioner has approached this Court, seeking the following relief:-

"To issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order made in HR/KB/6937 dated 16.05.2018 passed by the first respondent and quash the same and further forbearing the first and second respondent from disbursing the retirement benefits to the third

respondent."

3. The case of the petitioner is as follows:-

The petitioner was given in marriage with the third respondent on 06.06.1996 in Thiru Neelagandar Kalyanamandapam, Vellore Road, Namakkal District. The third respondent has been working as Messenger in the first respondent bank. After the marriage, the petitioner and the third respondent lived in matrimonial home at Namakkal. Out of wedlock, she gave birth to a male child namely R.Rogan on 14.09.1999.

4. In the course of time, the third respondent addicted to alcohol and used to come with drunken condition. Thereafter, the third respondent did not give any amount for maintaining her and her son. Whenever the petitioner asked for money for family maintenance, the third respondent indulged in cruel activities against her.

5. On 05.04.2005, the third respondent came with drunken condition and beaten the petitioner severely and she was driven her out of matrimonial home and thereafter, the petitioner has no source of income. Therefore she filed a petition in M.C.No.6 of 2018 seeking for maintenance of Rs.20,000/- per month for her and her son and the same is pending on the file of the Judicial Magistrate Court, Rasipuram.

6. In the meanwhile, the third respondent tendered a resignation letter during the third week of April, 2018 and the first respondent accepted the same. Now the first respondent is going to disburse the retirement benefits within short period. Therefore, the petitioner sent a legal notice dated 25.04.2018 calling upon the first respondent and the higher officials of State Bank of India, not to disburse the retirement benefits and the same was received by the first respondent. Therefore, the petitioner made a representation dated 14.05.2018 requesting the first respondent not to disburse the retirement benefits to her husband viz., the third respondent herein.

7. The first respondent issued a letter dated 16.05.2018 alleging that there were disputes among the family members viz., the petitioner and the third respondent and the Bank cannot intervene in such disputes. Therefore, the petitioner is not entitled to claim the retirement benefits of the third respondent.

8. This Court is of the considered view that since the dispute arises between husband and wife viz., the third respondent and the petitioner, the petitioner cannot invoke the jurisdiction of this Court under Article 226 of the Constitution of India to forbear the respondents from disbursing the terminal benefits of the petitioner's husband. If the wife is aggrieved

by the conduct of the husband, she is at liberty to approach the Family Court to secure the amount.

9. The petitioner has already filed M.C.No.6 of 2018, before the Family Court, which is pending, she can peruse her remedy in the M.C. Petition and this Court cannot pass an order to direct the respondents from disbursing the retirement benefits of the petitioner's husband viz., the third respondent herein.

10. Accordingly, the writ petition is dismissed as not maintainable. No costs. Consequently, the connected Miscellaneous Petitions are closed.

s/d-  
Assistant Registrar/V.O

True Copy

Sub-Assistant Registrar

gsk/sgl

To

1.The Deputy Chief Manager (B & O),  
HR Section, Network - 2,  
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Coimbatore - 641 018.

2.The Chief Manager,  
State Bank of India,  
Namakkal Branch,  
Namakkal.

+1 CC to Mr.G.Pugazhenthii, Advocate sr 33982.

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SP(29/05/2018)