

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09-04-2018

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.28883 of 2017

And

W.M.P.No.6195 of 2018

Santhi

... Petitioner

Vs.

1.Divisional Personal Officer,
Southern Railway,
Tiruchirapalli Junction,
Tiruchirapalli.

2.Divisional Railway Manager,
Southern Railway,
Tiruchirapalli Junction,
Tiruchirapalli.

3.SR Station Manager,
Traffic and Operating Department,
Goods Guard,
Villupuram Junction,
Villupuram.

4.Balasubramaniyan

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, directing the first to third respondents to consider the petitioner representation letter dated 2.11.2017 filed by the petitioner and further directing the respondents to not to give settlement amount to the fourth respondent till the disposal of representation in accordance with law.

For Petitioner : Mr.S.Ramajayam

For Respondents-1to3 : Mr.P.T.Ramkumar

For Respondent-4 : Mrs.AL.Ganthimathi

O R D E R

The relief sought for in this writ petition is for a direction to direct the respondents to consider the representation submitted by the writ petitioner on 2.11.2017 and further direct the respondents not to give the settlement amount to the fourth respondent till the disposal of the representation.

2. The writ petitioner is the legally wedded wife of the fourth respondent, who was employed in Southern Railway. On account of certain family disputes, the writ petitioner had filed Maintenance Case No.10 of 2014 and the Competent Court granted maintenance.

3. The grievances of the writ petitioner is that the maintenance amount ordered by the Court of Law has not been paid to the writ petitioner by the fourth respondent. However, the learned counsel, appearing on behalf of the fourth respondent, now made a submission that during the pendency of the writ petition the entire maintenance amount had been settled and further the learned counsel across the Bar made a submission that the fourth respondent will continue to pay the maintenance punctually in future also. In view of the undertakings, no further consideration in respect of issuance of any direction is required.

4. It is made clear that in respect of the settlement of terminal and pensionary benefits, the writ petitioner cannot seek a direction to postpone or keep in abeyance. The terminal and service benefits due to the employees are to be paid in accordance with the rules in force. However, the employees are also bound to pay the maintenance amount, if any, ordered by the Court of Law. The orders of Court in respect of maintenance are to be complied with punctually in view of the fact that maintenance is the livelihood of the wife and such livelihood cannot be denied or deprived.

5. A wife, who is not employed, is entitled for maintenance in accordance with law and the fourth respondent, who is a Central Government employee, cannot deny such maintenance to his wife, which was already ordered by the Competent Court in MC No.10 of 2014.

6. Thus, the respondents 1 to 3 are bound to consider the settlement of terminal and pensionary benefits and the fourth respondent is bound to pay the maintenance amount as ordered by the Court.

7. With these observations, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

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To Sub Assistant Registrar

1.The Divisional Personal Officer,
Southern Railway,
Tiruchirapalli Junction,
Tiruchirapalli.

2.The Divisional Railway Manager,
Southern Railway,
Tiruchirapalli Junction,
Tiruchirapalli.

+1cc to Mr.S.Ramajayam, Advocate Sr.No.26325
+1cc to Mr.P.T.Ramkumar, Advocate SR.No.26363
+1cc to Ms.AL.Ganthimathi, Advocate Sr.No.26529

SVN(CO)
sm:18.4.2018

W.P.No.28883 of 2017

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