

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2018

CORAM :

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.32437 of 2006
and M.P.Nos.1 of 2006 & 1 of 2008

S.Senthamarai J.Vijayakumaran, ...Petitioner

Versus

1.The Zonal Manager (South),
Food Corporation of India,
No.8, Haddows Road,
Chennai-600 006.

2.The Assistant Manager,
Presenting Officer,
Food Corporation of India,
Immanuvel Complex,
No.40, Thayumanavar Street,
Thirunagar,
Vellore-632 006.

3.The Area Manager,
District Office-Vellore,
Immanuvel Complex,
No.40,Thayumanavar Street,
Thirunagar, Vellore.

4.J.Vijayakumaran

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the entire records of the pension papers of the fourth respondent herein along with Letter No.EII/38/JV/AGIID/ARK/02 dated 3.2.2006 issued by the third respondent herein and quash the said letter and directing the respondents to incorporate the name of the petitioner in the service records as the Nominee of the fourth respondent herein entitling the petitioner herein to draw the family pension and other benefits accrued to the fourth respondent herein in future.

For Petitioner : Mr.S.Natanarajan

For Respondents : Mr.J.Vijayakumar (for RR1to3)
Mr.M.Sriram (for R4)

ORDER

The petitioner has filed this Writ Petition challenging the order dated 03.02.2006, wherein the third respondent refused to enter the petitioner's name as nominee of the fourth respondent, in his pension papers as well as service records.

2.The case of the petitioner is that she is the legally wedded wife of the fourth respondent and their marriage took place on 10.07.1981 at Saidapet, Chennai according to Hindu rites and rituals. There was a matrimonial dispute between husband and wife for which the petitioner filed O.S.No.104 of 1996 before the VI Assistant City Civil Judge, Chennai for peaceful possession and enjoyment of the flat stands in the name of the respondent. Since there is a difference of opinion between the petitioner and the fourth respondent for which the fourth respondent has not entered the petitioner's name in his pension papers and service records as his nominee. Aggrieved by the non-inclusion of her name as nominee in the pension papers and other records, the petitioner has made a representation to the respondents 1 to 3-Food Corporation of India. The authorities obtained explanation from the fourth respondents, wherein he has categorically stated that he is not in matrimonial relationship with the petitioner and also not willing to enter her name in the pension papers as well as in his service records. In view of the above explanation, the respondents have rejected the representation of the petitioner to include her name in the pension papers of the fourth respondent. Aggrieved against the same, the petitioner has filed the present writ petition.

3.Heard both sides.

4.Admittedly, there was dispute between the petitioner and the fourth respondent and also there is a litigation pending before the VI Assistant City Civil Court, Chennai. While so, the petitioner has made a representation to the third respondent for inclusion of her name in the pension papers of her husband viz., fourth respondent. However, after enquiry and obtaining explanation from the fourth respondent, the respondents 1-3 refused the representation of the petitioner stating that the fourth respondent is not willing to enter the petitioner's name in his service records for the reason that he has no matrimonial relationship for 15 years at the relevant point of time.

4.The learned counsel for the fourth respondent would submit that the petitioner has nominated the Prime Minister's Relief Fund as his nominee and the petitioner has also nominated some other person's name as her nominee. In view of that, the petitioner has no right to claim to enter her name in the service papers of the fourth respondent.

5.In view of the above submissions, I do not find any error in the order passed by the third respondent-Food Corporation of India, dated 03.02.2006. Accordingly, the Writ Petition stands dismissed. No costs.

Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

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To

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3.The Area Manager,
District Office-Vellore,
Immanuvel Complex,
No.40,Thayumanavar Street,
Thirunagar, Vellore.

+ 1 cc to Mr. Sriram, Advocate Sr.41031
+ 1 cc to Mr. S. Vijayakumar, Advocate Sr.40738
+ 1 cc to Mr. S. Natana Rajan, Advocate Sr.40588

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(CS-DR)
EU(17/07/2018)