

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2018

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THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.32369 of 2018

Tmt.P.Joice

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Petitioner

Vs

1.The General Manager

Metropolitan Transport Corporation
Pallavan House, Pallavan Salai
Chennai - 600 003.

2.The Assistant General Manager

Central Metropolitan Transport Corporation
Pallavan House, Pallavan Salai,
Chennai 600 003.

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Respondents

For Petitioner :M/s.S.Murugan

For Respondents :Ms.Rajeni Ramadoss, Standing Counsel

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondents to consider the petitioner's representation dated 16.10.2018 and to disburse the service cum death retirement and pensionary benefits and such other amounts payable to the petitioner's late husband D.Palani staff EDP No.A.12226 in petitioner's favour within the time to be fixed by this Honourable Court.

सतयमेव जयते
O R D E R

Petitioner is the wife of the deceased Palani, who was working in the respondent corporation. They had a female child on 04.02.1985. The petitioner's husband died intestate on 03.04.2006, while he was in the service at the age of 54, leaving behind the petitioner and her female child, as the legal representatives. After the death of the petitioner's husband, the petitioner applied for the payment of death benefits of her husband. The same was not disbursed to her as one Poongodi had made a rival claim by filing a civil suit before the District Munsif Court, Ponneri in the year 2008, seeking for declaration that she is the legally wedded wife of the deceased Palani. The said civil suit in O.S.No.393 of 2008 before the District Munsif

Court, Ponneri was dismissed and the trial Court, in paragraph 21 of the judgement, gave a finding that while the petitioner / first wife was living, the alleged marriage between the deceased Palani and Poongodi was not valid.

2. Ms.Rajeni Ramadoss, learned Standing counsel takes notice on behalf of the respondents.

3. It is needless to point out that when the trial Court has categorically given a finding that the petitioner is the legally wedded wife of the deceased Palani, the respondents ought to have disbursed the death benefits to her. Under the circumstances, the respondents are directed to consider the representation of the petitioner dated 16.10.2018, in the light of the judgment dated 11.04.2018 in O.S.No.393 of 2008 on the file of the District Munsif Court, Ponneri, and pass orders thereon, in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. With the above directions, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

KST

To

1.The District Munsif,
Ponneri.

2.The General Manager, Metropolitan Transport Corporation
Pallavan House, Pallavan Salai
Chennai - 600 003.

3.The Assistant General Manager
Central Metropolitan Transport Corporation
Pallavan House, Pallavan Salai,
Chennai 600 003.

+1cc to M/s.S.Murugan, Advocate sr.no.84368

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nr 02/01/2018