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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.11.2018

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.(MD)No.12719 of 2017

and

W.M.P.(MD) No.19124 of 2017

R.Deivanathan

...Petitioner

Vs.

- 1) Tamil Nadu State Transport
Corporation (Madurai) Ltd.,
Represented by its
Managing Director,
Bye pass road, Madurai
- 2) The Deputy Manager (Administration),
Tamil Nadu State Transport
Corporation (Madurai) Ltd.,
Dindigul Region,
Bye Pass Road,, Dindigul.
- 3) The Administrator,
Tamil Nadu State Transport Corporation,
Employees Pension Fund Trust,
Chennai 600 002

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 1st respondent to permit the Petitioner to enter the name of the petitioner's third wife Sakila in the pension Application and to issue Corrigendum Pension Payment Order so as to enable the petitioner's third wife Sakila to receive pensionary and other attendant benefits and consider his representation dated 12.4.2017.

For Petitioner : Mr.K.Guhan

Respondent : Mr.A.Jeyaram,
Standing Counsel

**ORDER**

Heard the learned counsel for the petitioner and the learned standing counsel representing Tamil Nadu State Transport Corporation.

2. The case of the petitioner is that he joined the respondent Corporation as Helper Carpenter-II on 22.08.1973. He retired from service on forenoon on 31.01.2009. His two wives Kalavathi and Lakshmi are dead and after the demise of his second wife Lakshmi, he married Sakila on 02.04.2014. He made a request to the respondent to include the name of his 3rd wife viz., Sakila in the pension application and service register, and extend the pensionary benefits to her. Since his representation dated 12.04.2017 has not been considered, he has filed the present petition seeking Writ of Mandamus.

3. The first respondent herein has filed a counter affidavit wherein it has been stated that at the time of retirement, the petitioner herein has nominated one Lakshmi as his wife. After his retirement, it appears that the said Lakshmi died on 03.09.2012. Hence, he wanted to nominate his third wife Sakila, whom he has alleged to have married on 02.04.2014.

4. The request of the petitioner herein, made after a lapse of seven years cannot be entertained. Since the pensionary benefits applicable to the petitioner herein does not provide for nominating the third wife of the petitioner, whom he has married after retirement. The counter does not disclose the facts like under what provisions of service law, the said bar is prescribed. Therefore, it is suffice to direct the third respondent herein to consider the representation of the petitioner herein and pass appropriate orders in accordance with law.

5. The petitioner herein is directed to furnish all the documents to prove his marriage with one Sakila and if any such application is made, the third respondent shall consider the application and pass appropriate orders in accordance with law which governs the pensionary benefits of the petitioner. The third respondent shall pass appropriate orders within a period of two weeks from the date of receipt of the application along with the documents from the petitioner herein.



6. With these directions, the Writ Petition is disposed of. However, there shall be no order as to costs. Consequently, connected W.M.P. (MD) No.19124 of 2017 is closed.

SD

ASSISTANT REGISTRAR (CO)

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SUB ASSISTANT REGISTRAR (CS IV)

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To

- 1) The Managing Director,
Tamil Nadu State Transport
Corporation (Madurai) Ltd.,
Bye pass road, Madurai
- 2) The Deputy Manager (Administration),
Tamil Nadu State Transport
Corporation (Madurai) Ltd.,
Dindigul Region,
Bye Pass Road,, Dindigul.
- 3) The Administrator,
Tamil Nadu State Transport Corporation,
Employees Pension Fund Trust,
Chennai 600 002

1CC TO MR. K. GUHAN, ADVOCATE SR 95732

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Order in **W.P. (MD) No.12719 of 2017**