



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.01.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.23669 of 2017

and

WMP(MD)Nos.19885 & 19886 of 2017

T.Elango

... Petitioner

Vs.

- 1.The Commissioner / Director,
Directorate of Technical Education,
Guindy, Chennai - 600 025.
- 2.The Principal,
Annamalai Polytechnic College,
Chettinadu, Sivagangai District.
- 3.The Accountant General,
No.361, Anna Salai,
Teynampet,
Chennai - 600 018.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed by the first respondent in his proceedings in letter No.27535/S3/2017 dated 11.10.2017 and quash the same and direct the respondents to include the petitioner's wife name E.Meenakshi as nominee and to confer all the consequential benefits.

For Petitioner

: Mr.V.Panneer Selvam

For Respondents

: Mr.J.Gunaseelan Muthaiah,
Addl. Govt. Pleader for R1

Mr.P.Gunasekaran for R3

No appearance for R2

O R D E R

The writ petitioner was retired as upgraded HOD from the second respondent Polytechnic College on 30.06.2015. But, he was allowed to continue on re-employment basis and was relieved from service 31.05.2016.

2.The writ petitioner got married to one Malliga in the year 1988. It appears that the marriage relationship between them come under strain and the said Malliga appeared to have left the marital home. The writ petitioner thereafter married one Meenakshi on 05.07.2000. One daughter by name E.Haritha Priyadharshini was born on 27.05.2001. The writ petitioner had mentioned the name of the said Meenakshi as his nominee in the pension papers.



3.The second respondent must forward the pension proposals through the first respondent to the third respondent. But, in this case, the first respondent by the impugned communication dated 11.10.2017 called upon the writ petitioner to produce proof regarding the dissolution of his marriage with the said Malliga. Since the issue is hanging fire, the pensionary benefits payable to the writ petitioner are yet to be disbursed. He has therefore filed the present writ petition questioning the impugned order dated 11.10.2017.

4.This Court is of the view that the first respondent is justified in calling upon the writ petitioner to justify the nomination of Mrs.Meenakshi as the nominee in the pension papers. I therefore find no merit in the challenge to the impugned order dated 11.10.2017. However, on this ground, the pensionary benefits payable to the writ petitioner cannot be withheld. The writ petitioner had served the second respondent institution for 33 years. Merely because there are some issues regarding nomination, the authority is not justified in withholding the disbursement of the pensionary benefits payable to the writ petitioner.

5.The respondents 1 and 2 are therefore directed to forward to the pensionary proposals of the writ petitioner within a period of four weeks from the date of receipt of a copy of this order. The third respondent is directed to sanction the payment of the pensionary and other retirement benefits of the writ petitioner within a period of four weeks from the date of receipt of the pension proposal from the first respondent. It is made clear that as regards the issue of nomination, the petitioner is at liberty to work out his rights in the manner known to law.

6.With these directions, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub-Assistant Registrar

To

The Commissioner / Director,
Directorate of Technical Education,
Guindy, Chennai - 600 025.

+One cc to Mr.V.Penneerselvam, Advocate, SR.No.40864

+One cc to Mr.P.Gunasekaran, Advocate, SR.No.40928

+One cc to The Special Government Pleader, SR.No.40807

skm

RL/5C/2P/SKN/RSK/SAR1/24/1/2018

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