

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2019

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.24038 of 2018

K.Poorani

... Petitioner

Vs.

1. Airport Authority of India,
South Regional Airport,
Chennai - 600 027.

2. E.Kesavan

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondent to dispose of the representation dated 17.03.2018 and also direct the first respondent not to disburse the retirement benefits to the second respondent without intimating to me till the dispose of this writ petition.

For Petitioner : Mr.S.Santhanam

For Respondents : Mrs.S.R.Sumathy for R1
No appearance for R2

ORDER

The relief sought for in the present writ petition is for a direction to direct the respondent to dispose of the representation dated 17.03.2018.

2. Even to grant the relief of considering the representation, the writ petitioner has to establish a legal right. It is a precondition that the writ proceedings can be entertained, only if the petitioner establishes a legal right. In the absence of any such right, no writ proceedings can be entertained. In the present case, the writ petitioner is the wife of the second respondent, who is an employee working in Airport Authority of India. Further, the second respondent is in service and in the event of him not maintaining the writ

petitioner, who is the wife of the second respondent, the writ petitioner has to approach the competent forum for the purpose of claiming maintenance and to redress the remedies.

3. Contrarily, the service benefits cannot be stopped. The employer has no authority to deprive an employee from getting his service benefits. The representation submitted by the writ petitioner, in this regard, cannot be considered as the second respondent is in service and he is entitled for the service benefits as per the rules in force. Under these circumstances, the relief sought for to consider the representation cannot be granted and the writ petitioner is at liberty to approach the competent forum for the redressal of her grievances in the manner known to law.

4. With these observations, the present writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

mbi/kmm

To

Airport Authority of India,
South Regional Airport,
Chennai - 600 027.

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RGN(CO)
CS/16/05/2019

सत्यमेव जयते

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