

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:03.09.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.22352 of 2019
and W.M.P.No.21666 of 2019

1.K.Sheela Mary
2.K.Suresh

... Petitioners

Vs.

1.The Metropolitan Transport Corporation,
rep. by its Managing Director,
Pallavan Illam,
Chennai 600 023.

2.The Branch Manager,
Ayanavaram Depot,
Metropolitan Transport Corporation,
Ayanavaram, Chennai 600 023.

3.Kumaresan,

4.Kamala

.... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the first and second respondents to consider the petitioner's representation dated 19.07.2019, and to direct the first and second respondents to stop disbursing the retirement benefit of the 3rd respondent and consequently add the petitioners to the service register as 3rd respondent as his legal heirs.

For Petitioner : Mr.M.Aravind Subramaniam

For Respondents: Ms.Rajani Ramadoss for RR1 & 2

Mr.V.K.Rajagopal for RR3 & 4

O R D E R

This writ petition has been filed seeking for issuance of Mandamus, directing the respondents 1 and 2 to consider the petitioner's representation dated 19.07.2019 and direct them to stop disbursing the retirement benefit of the 3rd respondent and consequently add the petitioners to the service register of the 3rd respondent as his legal heirs.

2.The 1st petitioner had got married with one Antony and through him, she has two children viz., Sunil Antoy and Alisa Antony. The 1st petitioner and the said Antony got separated mutually after seven years of their marriage and thereafter, the 1st petitioner and her two children were living separately. The 3rd respondent, taking advantage of the 1st petitioner's plight as a single mother, married the petitioner on 23.03.1997 in Thiruverkadu Karumaariamman Temple and accepted to live alongwith her two children. Thereafter, they were blessed with one son, who is the 2nd petitioner herein. The 3rd respondent was a Driver in the Metropolitan Transport Corporation on a monthly salary of Rs.51,000/- and he was entitled for all benefits. The 3rd respondent included the 1st petitioner and their son viz., 2nd respondent's name in the Medical records. After few years, the attitude of the 3rd respondent changed and he abstained from coming to the 1st petitioner's home and also stopped giving money for maintaining the family. Thereafter, the 1st petitioner came to know that the 3rd respondent is having illicit relationship with one Kamala, who is the 4th respondent herein and started living with her. The said Kamala has already got one daughter by name Lakshmi. In the meantime, the 3rd respondent retired from service on 28.02.2019 and he is entitled for a retirement benefit of Rs.20,00,000/- and a pension of Rs.13,000/- p.m. The petitioners came to that the 3rd respondent has removed the petitioner's name from the service records and included the 4th respondent and her daughter's name in the service records and also threatens the petitioners that he will not give any amount to the petitioners. Therefore, the petitioners have sent a representation dated 18.02.2019 to the respondents 1 and 2 to stop disbursing the retirement benefit of the 3rd respondent and also to add the petitioners name in the service book of the 3rd respondent. Since, no action has been taken, the petitioners have filed the present petition with the aforesaid prayer.

3.Heard Mr.M.Aravind Subramaniam, learned counsel appearing for the petitioners, Mr.Rajani Ramadoss, learned counsel appearing for respondents 1 and 2 and Mr.V.K.Rajagopal, learned counsel appearing for the respondents 3 and 4.

4.The learned counsel for the petitioners would submit that it would suffice if a direction is issued to the

respondents 1 and 2 to conduct an enquiry in this regard and pass appropriate orders.

5.The learned counsels appearing for the respondents conceded to the request made by the learned counsel for the petitioners.

6.Considering the facts and circumstances of the case, without expressing any opinion on the merits of the case, I am inclined to issue direction to the respondents 1 and 2 to consider the petitioner's representation dated 19.07.2019, after giving due opportunity to 3rd and 4th respondent and all other interested persons and pass orders on merits and in accordance with law within a period of eight weeks from the date of receipt of copy of this order.

7.With the above directions, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-V)

//True copy//

Sub Assistant Registrar

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To

1.The Managing Director,
The Metropolitan Transport Corporation,
Pallavan Illam,
Chennai 600 023.

2.The Branch Manager,
Ayanavaram Depot,
Metropolitan Transport Corporation,
Ayanavaram, Chennai 600 023.

+1cc to Mr.M.Aravind Subramaniam, Advocate SR.No.76067

+1cc to Mr.S.Rajani Ramadoss, Advocate SR.No.76755

+1cc to Mr.V.K.Rajagopal, dvocate SR.No.76447

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RSV(CO)
GMY(09/09/2019)