

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :18.10.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No. 29581 of 2019

S.Mohanakrishnan

..Petitioner

-Vs-

1.The Commissioner
Greater Chennai Corporation
Ripon Building, Chennai - 600 003.

2.The Regional Deputy Commissioner,
Greater Chennai Corporation
36B, Shenai Nagar, Chennai - 600 030.

3.Assistant Commissioner
(Zonal Officer-8)
Greater Chennai Corporation,
13B/36B, Pulla Avenue,
Shenai Nagar, Chennai - 600 030.

4.M.Kanniga

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the third respondent to consider the petitioner's representation dated 24.09.2019, and to direct the third respondent to disbursing the retirement benefit of the petitioner.

For Petitioner : Mr.M.Aravind Subramanyam

For Respondents

No.1 to 3 : Mrs.Karthika Ashok

O R D E R

The prayer sought for in this Writ Petition is to direct the 3rd respondent to consider the petitioner's representation dated 24.09.2019, and to direct the 3rd respondent to disbursing the retirement benefit of the petitioner.

2. By consent of both the learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondents 1 to 3, this writ petition is taken up for final disposal at the stage of admission itself without ordering notice to the 4th respondent.

3. The case of the petitioner is that he is working as a Driver in the Greater Chennai Corporation attached to the 3rd respondent depot on a monthly salary of Rs.71,034/-. He will be retiring from service on 29.02.2020 and he is eligible for pension of Rs.15,000/- per month. It is his further case that he married the 4th respondent viz., Mrs.M.Kannika on 26.04.1993 and blessed with three daughters, namely, Revathi, Uma Maheshwari and Durga. Thereafter, dispute arises between the petitioner and the 4th respondent. The 4th respondent filed a Divorce petition in H.M.O.P.No.598 of 2018 before the Sub-Court, Tambaram and the same is pending.

4. While being so, the 3rd respondent on 17.09.2019 asked for certain documents to process petitioner's pension benefits and immediately the petitioner has also provided the necessary documents to the 3rd respondent. The petitioner has nominated his three daughters as his nominees to receive his pension benefits and he excluded his wife's name as she had filed a divorce petition. Thereafter, the 4th respondent submitted a written objection to stop disbursing the retirement benefits to the petitioner and objecting the same, the petitioner has made a representation to the 3rd respondent on 24.09.2019. However, till date, the said representation was not considered. Therefore, the Writ Petition has been filed.

5. The learned counsel appearing for the petitioner would submit that though there is a dispute between the petitioner and the 4th respondent, it would be suffice to issue direction to the 3rd respondent to conduct enquiry on the petitioner's representation after affording due opportunity of personal hearing to the 4th respondent, no prejudice would be caused to her and pass appropriate orders within a reasonable time.

6. Considering the facts and circumstances of the case, this Court hereby directs the 3rd respondent to conduct enquiry on the petitioner's representation in accordance with law after affording due opportunity of personal hearing to the 4th respondent within a period of six weeks from the date of receipt of a copy of this order.

7. The Writ Petition is disposed of with the above direction. No costs.
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Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Commissioner
Greater Chennai Corporation
Ripon Building,
Chennai - 600 003.

2.The Regional Deputy Commissioner,
Greater Chennai Corporation
36B, Shenai Nagar,
Chennai - 600 030.

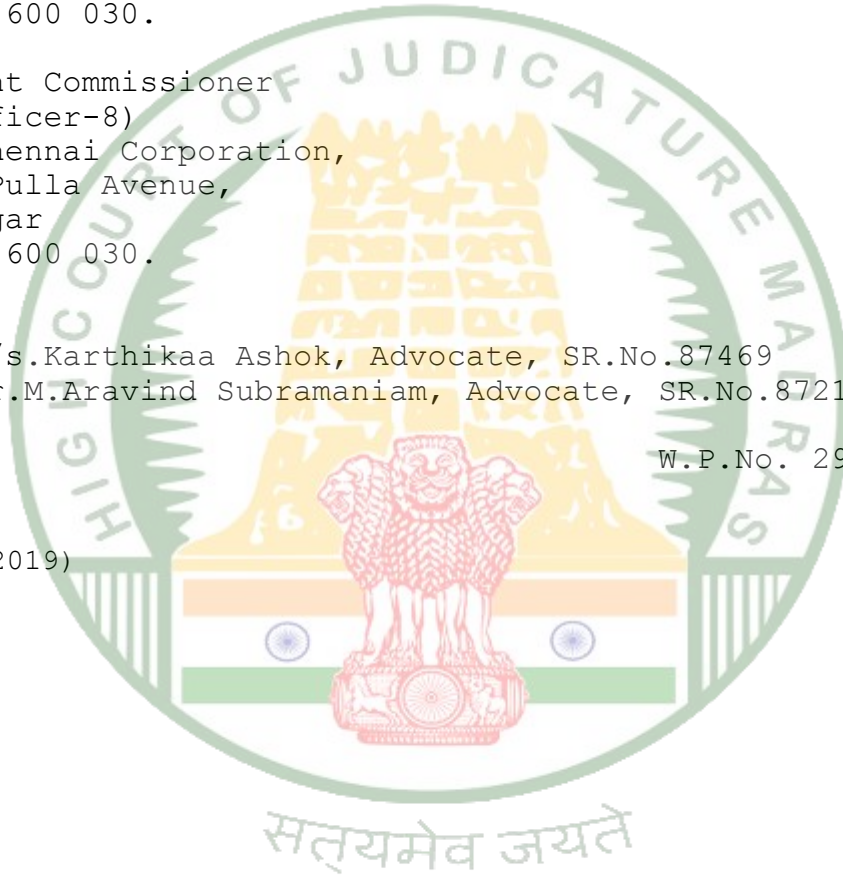
3.Assistant Commissioner
(Zonal Officer-8)
Greater Chennai Corporation,
13B/36B, Pulla Avenue,
Shenai Nagar
Chennai - 600 030.

+1cc to M/s.Karthikaa Ashok, Advocate, SR.No.87469

+1cc to Mr.M.Aravind Subramaniam, Advocate, SR.No.87219

W.P.No. 29581 of 2019

Kak(20/11/2019)



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