

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. No.30772 of 2019

and

WMP.No.30865 of 2019

1. Banupriya

2. S. Nandhini

... Petitioners

Vs

1. The Managing Director,

Tamil Nadu State Transport Corporation Ltd.,

No.37, Mettupalayam Road, Coimbatore- 600002.

2.V. Selvaraj

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus or any other appropriate writ or order or direction in the nature of Writ of Mandamus for directing the first respondent herein not to include the name of the daughter of the said Late Kala for the purpose of getting the monetary benefits after the retirement or voluntary retirement or death of the second respondent herein instead of the names of the petitioners herein and consequently to include the names of the petitioners herein as the legal heirs of the second respondent and beneficiaries for the said purpose by considering the petitioners' final representation dated 30.05.2019 which was duly delivered to the first respondent herein and pass orders.

For petitioners

... Mr. T.M. Karthikeyan

For respondents

... Mr. R.S. Selvam,

Standing Counsel

for R1

O R D E R

With the consent of both the parties, the Writ Petition is taken up for final disposal at the stage of admission itself.

2. The petitioner filed this Writ Petition seeking directing to the first respondent herein not to include the name of the daughter of the said Late Kala for the purpose of getting the monetary benefits after the retirement or voluntary retirement or death of the second respondent herein instead of the names of the petitioners herein and consequently to include the names of the petitioners herein as the legal heirs of the second respondent and beneficiaries for the said purpose by considering the petitioners' final representation dated 30.05.2019 which was duly delivered to the first respondent herein

3. The case of the petitioner is that the second respondent married the first petitioner herein in the year 1988. The said Selvaraj was initially working as Conductor under the respondent Corporation in Kangayam and thereafter the second petitioner herein was born in the year 1989. Initially the second respondent was very affectionate and loving towards the first and second petitioners herein who are his wife and daughter. On 29.05.1993, after the marriage with the first petitioner, through the FBS, the second respondent had nominated his real wife, the first petitioner as the beneficiary. Thereafter the second respondent had also nominated the first and second petitioners, his real wife and daughter as beneficiary in the National Insurance Police for the term. Thereafter the second respondent left the petitioners 1 and 2 due to some reasons and had been living with one Kala at kangayam who is already having a female child.

4. Thereafter the second respondent included the name of said Kala and her daughter as legal heir by replacing the names of the petitioners who are the real wife and daughter of the second respondent, for which the petitioners made representation on 30.05.2019, but till date their representations were not considered by the first respondent. Hence the present Writ Petition.

5. The learned counsel for the petitioners made a submission that it would be suffice to issue direction to the first respondent to consider the representation dated 30.05.2019 and pass orders on merits and in accordance with law.

6. Mr. R.S. Selvam, learned Standing counsel appearing on behalf of the first respondent agreed to disposed of the representation within a stipulated time.

7. Considering the facts and circumstances of the case and the limited request made by the learned counsel for the petitioners, I am inclined to issue direction to the first respondent to consider the representation dated 30.05.2019 submitted by the petitioners and pass orders on merits and in accordance with law after affording opportunity to the second respondent within a period of twelve (12) weeks from the date of receipt of a copy of this order. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

MRN

To

1. The Managing Director,

Tamil Nadu State Transport Corporation Ltd.,

No.37, Mettupalayam Road, Coimbatore- 600002.

+1cc to Mr.T.M. Karthikeyan , Advocate SR.No. 90585

+1cc to Mr. R.S.Selvam, Advocate SR.No. 90840

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and

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rr

A.SK(21/11/2019)

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