



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.13638 of 2013

and

M.P. (MD) No.1 of 2013

Rathiammal

... Petitioner

-Vs-

1.The Deputy Director of Collegiate Education,
Madurai Region, Madurai.

2.The Director of Pension,
T.M.S. Building, Chennai-6.

3.The Principal Secretary and Commissioner of
Treasury Accounts,
Chennai-15.

4.R.Machakkallai

5.The Secretary,
Mannar Thirumalai Naicker College,
Pasumalai, Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 3 and 5 to withhold the pensionary and retirement benefits of the fourth respondent by considering the representation of the petitioner dated 26.04.2012.

For Petitioner: Mr.R.Karunanidhi

For R1 to R3 : Mr.S.Dhayalan,
Government Advocate.

For R4 : Mr.R.Aravind

For R5 : Mr.S.Srinivasagan

ORDER

The relief sought for in the present Writ Petition is for a direction to direct the respondents 1 to 3 and 5 to withhold the pensionary and retirement benefits of the fourth respondent by considering the representation of the writ petitioner dated 26.04.2012.

2.The learned counsel appearing on behalf of the writ petitioner states that the fourth respondent married the writ petitioner during the year 1983 as per the Hindu Customs and Rites.



The writ petitioner was deserted by the fourth respondent.

3.The learned counsel appearing on behalf of the writ petitioner states that a criminal case was registered against the fourth respondent and subsequently, petition for maintenance was also filed. The competent Court of law allowed the maintenance petition and directed the fourth respondent to pay maintenance.

4.However, the learned counsel appearing on behalf of the fourth respondent made a submission that the fourth respondent was allowed to retire from service and pensionary benefits were also settled in favour of the fourth respondent.

5.Under these circumstances, the writ petitioner has to recover the maintenance amount in the manner known to law by approaching the competent Court of law. This Court cannot issue any direction, restraining the respondents 1 to 3 and 5 from paying pensionary and retirement benefits. As far as claiming maintenance amount is concerned, the same can be executed in the manner prescribed under the law and by approaching the competent Court. The Writ Court cannot execute the award or order passed by the competent Court, which granted maintenance amount.

6.This being the procedures to be followed, the relief as such sought for in the present Writ Petition cannot be granted. It is left open to the writ petitioner to approach the competent Court of law for the purpose of recovering the maintenance amount and redressing all other grievances in relation to matrimonial issues.

7.With these observations, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

Sub Assistant Registrar(CS)

Myr

To

1.The Deputy Director of Collegiate Education,
Madurai Region, Madurai.

2.The Director of Pension,
T.M.S. Building, Chennai-6.



3.The Principal Secretary and Commissioner of
Treasury Accounts,
Chennai-15.

WEB COPY

+1CC TO MR.R.KARUNANIDHI, Advocate Sr. No.78015

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 78207

W.P. (MD) No.13638 of 2013

ARS (CO)

TR (07.08.2019) 3P 6C