



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.07.2019

CORAM

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P (MD) No.4450 of 2013

S.Revathy

... Petitioner

Vs

1.The Secretary to Government,
Rural Development Department,
Secretariat,
Chennai-9.

2.The Accountant General (Pension),
Annasalai,
Nandanam,
Chennai-6.

3.The District Collector,
Dindigul District,
Dindigul.

4.K.Subramanian

... Respondents

5.The Branch Manager,
State Bank of India,
Main Branch, Salai Road,
Dindigul District.

(R5 is suo motu impleaded vide Court order dated 11.07.2019 in WP(MD)No.4450 of 2013)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the third respondent to dispose the petitioner's representation dated 04.03.2013 within a time frame fixed by this Court.

For Petitioner	:	Mr.P.Mahendran
For R1 & R3	:	Mr.M.Jeyakumar,
		Additional Government Pleader
For R2	:	Mr.P.Gunasekaran
For R4	:	Mr.R.Karthic Rajan

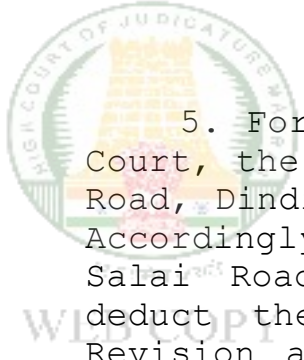
**ORDER**

The relief sought for in the present writ petition is for a direction to the third respondent to dispose the petitioner's representation, dated 04.03.2013 within a time frame fixed.

2.The writ petitioner states that she married the fourth respondent Mr.K.Subramanian, S/o.Kaliappan Servai, who was employed as Block Development Officer, Dindigul Panchayat Union. The marriage was solemnized as per the Hindu Rites and Customs. Due to wedlock between the writ petitioner as well as the fourth respondent, two children born and the writ petitioner was leading a happy life with her husband. However, the fourth respondent developed an illegal affair with one Smt.Vasanthi, Wife of Andivel, who was working as Noon Meal Organizer at Ketchanipatti Pudur Centre in Dindigul District. Thereafter, the writ petitioner states that her husband deserted her. The husband of the said Smt.Vasanthi also has taken steps to take action against his wife as well as the husband of the writ petitioner. The fourth respondent filed H.M.O.P.No.107 of 2002 on the file of the Principal Sub Court, Dindigul seeking dissolution of marriage. During the pendency of the H.M.O.P., petition, the writ petitioner filed a petition in M.C.No.2 of 2008 on the file of the Judicial Magistrate, Nilakottai claiming maintenance from the fourth respondent. Accordingly, the learned Judicial Magistrate, Nilakottai directed the fourth respondent to pay a sum of Rs.3,000/- per month towards interim maintenance through Indian Bank, Ottanchatram Branch. However, the said maintenance amount has not been paid by the fourth respondent. It is contended that the fourth respondent was working as Block Development Officer in the office of the Dindigul Panchayat Union. The fourth respondent retired from service on 31.03.2013 and his pensionary and terminal benefits were also settled. Under these circumstances, the writ petitioner states that she was unable to maintain herself and approached this Court for the purpose of considering her representation dated 04.03.2013 sent to the District Collector in order to recover the maintenance as well as pay the maintenance amount from the pensionary benefits and the pension of the fourth respondent.

3.This Court is of the considered opinion that when the marriage between the writ petitioner and the fourth respondent is an admitted fact, the fourth respondent is bound to maintain the writ petitioner as she is the legally wedded wife of the fourth respondent. This apart, the learned Judicial Magistrate, Nilakottai also ordered for payment of maintenance to the writ petitioner. However, the fourth respondent has failed to pay the maintenance amount to the writ petitioner.

4. The learned counsel appearing on behalf of the writ petitioner states that two children born to the writ petitioner also deserted her and she is now working as Coolie on daily wage basis and unable to maintain herself as well as meet out her medical and other expenses. The writ petitioner is now aged about 60 years old and this Court can understand that she cannot do any job effectively and lead her life. Contrarily, the fourth respondent is a retired Block Development Officer and having sources of income. He is receiving a decent amount of pension from the Government of Tamil Nadu and his terminal and pensionary benefits were also settled. Under these circumstances, this Court thought fit to direct the fourth respondent to settle the arrears of maintenance amount in the interest of justice. Payment of maintenance to the wife by the husband is for the livelihood of the wife and the maintenance is an integral part of Article 21 of the Constitution of India. When the fourth respondent was employed in a decent job, more specifically, in the post of Block Development Officer, the writ petitioner, who is the wife of the fourth respondent, cannot be neglected at all. Considering the poor condition of the writ petitioner and the manner in which she was deserted and the purpose for which the writ petitioner was deserted by the fourth respondent prompted this Court to pay the arrears of maintenance amount of Rs.70,000/- immediately to the writ petitioner. Though the fourth respondent was initially reluctant, subsequently, he has agreed to settle the entire amount in two instalments. Accordingly, the first instalment amount of Rs.35,000/- was paid on 27.06.2019 and today, when the matter is called, the balance arrears of maintenance amount of Rs.35,000/- by cash is settled by the fourth respondent to the writ petitioner, who is also present before this Court. The writ petitioner received the cash amount of Rs.35,000/- from the fourth respondent and issued acknowledgment to that effect. Thus, the arrears of maintenance amount has been settled in entirety. In order to product the future maintenance to be paid to the writ petitioner, this Court has directed the fourth respondent to directly settle the maintenance amount to the writ petitioner by way of transfer of money to her Bank Account. In this regard, the fourth respondent has already submitted a letter to the Manager, State Bank of India, Main Branch, Salai Road, Dindigul and as per the letter, the fourth respondent has instructed the Manager, State Bank of India, Main Branch, Salai Road, Dindigul to deduct Rs.8,000/- from his revision account every month and transfer the said amount of Rs.8,000/- to the account of the writ petitioner Smt.S.Revathi, SB A/C.No.38576940232, State Bank of India, K.K.Nagar, Trichy, IFSC No.SBIN0012800. As per the instructions provided by the fourth respondent, the Manager, State Bank of India, Main Branch, Salai Road, Dindigul District is bound to deduct a sum Rs.8,000/- from the monthly pension of the fourth respondent and transfer the same to the account of the writ petitioner Smt.S.Revathi.



5. For the limited purpose of implementing the orders of this Court, the Branch Manager, State Bank of India, Main Branch, Salai Road, Dindigul District is suo motu impleaded as fifth respondent. Accordingly, the Branch Manager, State Bank of India, Main Branch, Salai Road, Dindigul District/fifth respondent is directed to deduct the monthly maintenance amount of Rs.8,000/- from the Revision account of the fourth respondent and transfer the said amount to the account of the writ petitioner Smt.S.Revathi, SB A/C.No.38576940232, State Bank of India, K.K.Nagar, Trichy, IFSC No.SBIN0012800 on or before 10th day of every English Calendar month.

6. Though the fourth respondent was initially reluctant, subsequently, the fourth respondent has understood the plight of the writ petitioner, who is deserted even by her own children and agreed to pay the maintenance amount from his monthly pension amount. This Court directed the fourth respondent to pay Rs.8,000/- to the writ petitioner considering the current day expenditure and the other medical needs of the writ petitioner. Under these circumstances, following orders are passed:-

i) The fourth respondent is directed to pay Rs.8,000/- towards monthly maintenance to the writ petitioner from 1st August 2019 onwards. The maintenance amount to be paid without any default by the fourth respondent.

ii) Pursuant to the directions issued, the fifth respondent/Branch Manager, State Bank of India, Main Branch, Salai Road, Dindigul District is directed to deduct monthly maintenance amount of Rs.8,000/- from the Revision account of the fourth respondent (SBI A/C.No.10832815481) and transfer the said amount to the account of the writ petitioner Smt.S.Revathi SB A/C.No.38576940232, State Bank of India, K.K.Nagar, Trichy, IFSC-SBIN0012800.

7. With these directions, the writ petition stands disposed of. No costs.

Sd/-

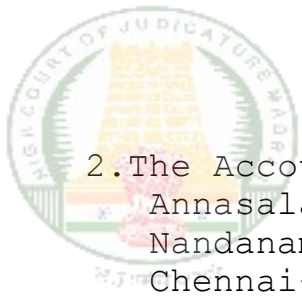
Assistant Registrar (CS-III)

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Sub Assistant Registrar (CS)

To

1. The Secretary to Government,
 Bureau of Development Department,
 Secretariat,
 Chennai-9.



2.The Accountant General (Pension),
Annasalai,
Nandanam,
Chennai-6.

3.The District Collector,
Dindigul District,
Dindigul.

4.The Branch Manager,
State Bank of India,
Main Branch, Salai Road,
Dindigul District.

+1 CC to M/s.P.GUNASEKARAN, Advocate (SR-74873[F] dated
11/07/2019)

+1 CC to M/s.SPL GP (SR-74998[F] dated 12/07/2019)

+1 CC to M/s.R.KARTHICK RAJAN, Advocate (SR-75027[F] dated
12/07/2019)

+1 CC to M/s.P.MAHENDRAN, Advocate (SR-74863[F] dated
11/07/2019)

AM

W.P (MD) No.4450 of 2013
11.07.2019

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