

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.4352 of 2018

V.Rani

... Petitioner

Vs

1.The Principal Chief Commissioner of Income Tax,
Tamil Nadu,
No.121, Mahatma Gandhi Road,
Nungambakkam, Chennai - 600 034.

2.The Income Tax Officer (Head Quarters) (Personnel),
Tamil Nadu,
No.121, Mahatma Gandhi Road,
Nungambakkam, Chennai - 600 034.

3.N.Vallarasu

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st and 2nd respondents to pass appropriate orders for disbursement of equal share in the retirement benefits of 3rd respondent including maintenance allowance as ordered as well as the pensionary benefits as per the proceedings issued by 1st respondent in C.NO.CONF.502(07)/98 dated 01/07/2016 within a time frame to be fixed.

For Petitioner : Mr.G.Sankaran

For R1 & R2 : Mr.V.Vijay Shankar

For R3 : Mr.R.Vijayarangan

ORDER

The relief sought for in this writ petition is to direct the respondents 1 and 2 to pass appropriate orders for disbursement of equal share in the retirement benefits of the 3rd respondent including maintenance allowance as ordered, as well as the pensionary benefits as per the proceedings issued by the 1st respondent in C.NO.CONF.502(07)/98 dated 01/07/2016 within a time frame to be fixed by this Court.

2.It is the case of the petitioner that on 09.12.1987, she got married the 3rd respondent namely N.Vallarasu, who was employed as Group -D servant in Income Tax Department. Due to his misconduct, the 3rd respondent started to harrass the petitioner and caused physical torture. He also developed an illegal intimacy with one Vijayalakshmi. Since the petitioner was deserted by the 3rd respondent, she filed petition in MC.No.17 of 1998 for maintenance before the Judicial Magistrate, Thanjavur, which was ordered. Subsequently, she filed petition in CMP.No.3079 of 2016 for enhancement of maintenance, which was also ordered on 21.10.2016. According to the petitioner, the 3rd respondent was due to retire on 30.09.2016 on reaching the age of superannuation. Therefore, the petitioner approached the first respondent for payment of maintenance as ordered by the lower Court and to pay equal share in the retirement benefits of the 3rd respondent by way of petition dated 21.06.2016. Since no action was taken on the said petition, the petitioner has come forward with the present writ petition for the aforesaid relief.

3.Heard both sides and perused the documents enclosed in the typed set of papers.

4.It is seen that the petitioner herein claims to be a legally wedded wife of the 3rd respondent, who worked in the respondent Department and retired from service on 30.09.2016 and one Vijayalakshmi also claims to be his wife. There is a matrimonial dispute between the petitioner and the third respondent. Claiming maintenance and equal share in the retirement benefits payable to the third respondent, the petitioner filed petition dated 21.06.2016. Upon receipt of the said petition, the 1st respondent sent a communication dated 01.07.2016 to the Joint Commissioner of Income Tax, Chennai to take necessary action on the said claim. However, till date, no action was taken. Such being the present position, this Court finds it appropriate to issue a direction to the concerned respondent.

5.Accordingly, this writ petition stands disposed of, with a direction to the concerned respondent to conduct an enquiry on the petition dated 21.06.2016 submitted by the petitioner and pass appropriate orders, in accordance with law, after giving

due opportunity of hearing to all the parties, within a period of eight (8) weeks from the date of receipt of copy of this order. No costs.

Sd/-
Assistant Registrar (CS-V)

//True copy//

Sub Assistant Registrar

mtl

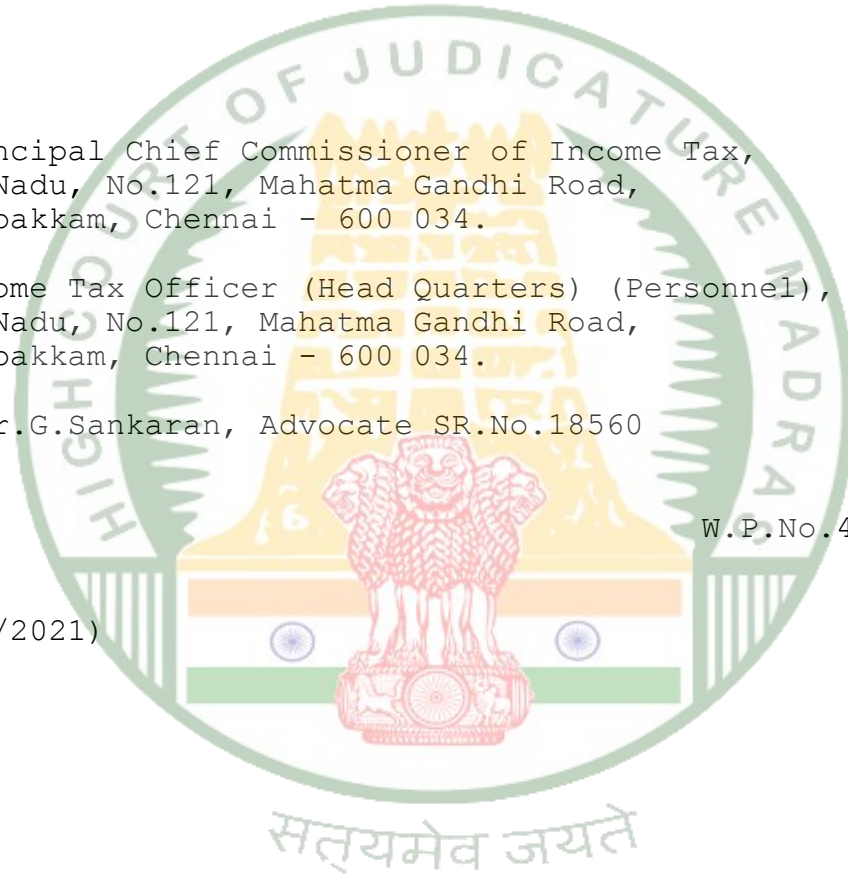
To

- 1.The Principal Chief Commissioner of Income Tax,
Tamil Nadu, No.121, Mahatma Gandhi Road,
Nungambakkam, Chennai - 600 034.
- 2.The Income Tax Officer (Head Quarters) (Personnel),
Tamil Nadu, No.121, Mahatma Gandhi Road,
Nungambakkam, Chennai - 600 034.

+1cc to Mr.G.Sankaran, Advocate SR.No.18560

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LN (CO)
GMY (02/07/2021)



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