

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2021

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.5762 of 2021

D.Kaliyamoorthy

... Petitioner

-vs-

1. Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
Rep. by its Managing Director,
3/137, Salamedu,
Villupuram.
2. The General Manager,
TNSTC (Villupuram) Ltd.,
3/137, Salamedu, Villupuram.
3. Tamil Nadu State Transport Corporation
Employees' Pension Fund Trust,
Rep. by its Administrator,
Thiruvalluvar Illam,
Anna Salai, Chennai-2. ... Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to delete the 1st wife name of the petitioner Tmt.K.Rajalakshmi and instead to add his legally wedded 2nd wife's name, K.Usharani as his nominee in his Service Register and all other official records and to issue a fresh revised Pension Pay Order showing his 2nd wife's name K.usharani and sanctioning her family pension in case of his death as per Rule 20(3) of the TNSTCE Rules.

For Petitioner : Mr.V.Ajay Khose

For Respondents: Mr.C.S.K.Sathish

O R D E R

The petitioner has come up with the present Writ petition, seeking a direction to the respondents to include her 2nd wife's name (K.Usharani) as nominee in his Service Register and grant her family pension in case of his death, by deleting the name of his 1st wife (Tmt.K.Rajalakshmi).

2. Mr.C.S.K.Sathish, learned Standing Counsel takes notice for the Respondents. By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

3. It is the case of the petitioner that after the death of his 1st wife, namely, K.Rajalakshmi on 07.10.1999, he married one Usharani, by way of entering into a second marriage on 30.10.2000. He has already included her name in all documents, such as Family Card, Voter's ID, Star Health and Allied Insurance, etc. It is further case of the petitioner that since he married the 2nd wife after the demise of 1st wife, he sent a representation to the respondents on 07.03.2018 itself for inclusion of her name as nominee in the Service Register in the light of Rule 2(s) of Tamil Nadu State Transport Pension Rule, 1998 and grant of other applicable benefits after his death. However, no changes have been effected in the Service Register. Aggrieved by the inaction on the part of the Respondents, the petitioner is before this Court, seeking for a suitable direction.

4. It is seen that the petitioner is a retired employee of Transport Corporation and there was a marriage with one K.Usharani / 2nd wife on 30.10.2000, after the death of his 1st wife. When the 2nd wife is a legally wedded wife, she is entitled to be included in the records of the respondents and in the considered opinion of this Court, there is no impediment for the respondents to alter the official records of the respondents, by adding the name of K.Usharani as the nominee of the petitioner for all purposes in the place of his 1st wife.

5. Accordingly, the Writ Petition is disposed of, with a direction to the respondents to make necessary changes in the Service Records of the petitioner and other Official records, so as to enable the petitioner's 2nd wife (K.Usharani) to receive the family pension and other terminal benefits, if any, after the demise of the petitioner. The entire exercise of mutation / alteration shall be completed within a period of 30 days from the date of receipt of a copy of this order and after such correction, the respondents shall issue a fresh Pension Pay Order to the petitioner, within one month thereafter. No costs.

Sd/-
Assistant Registrar (CS IX)
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Sub Assistant Registrar

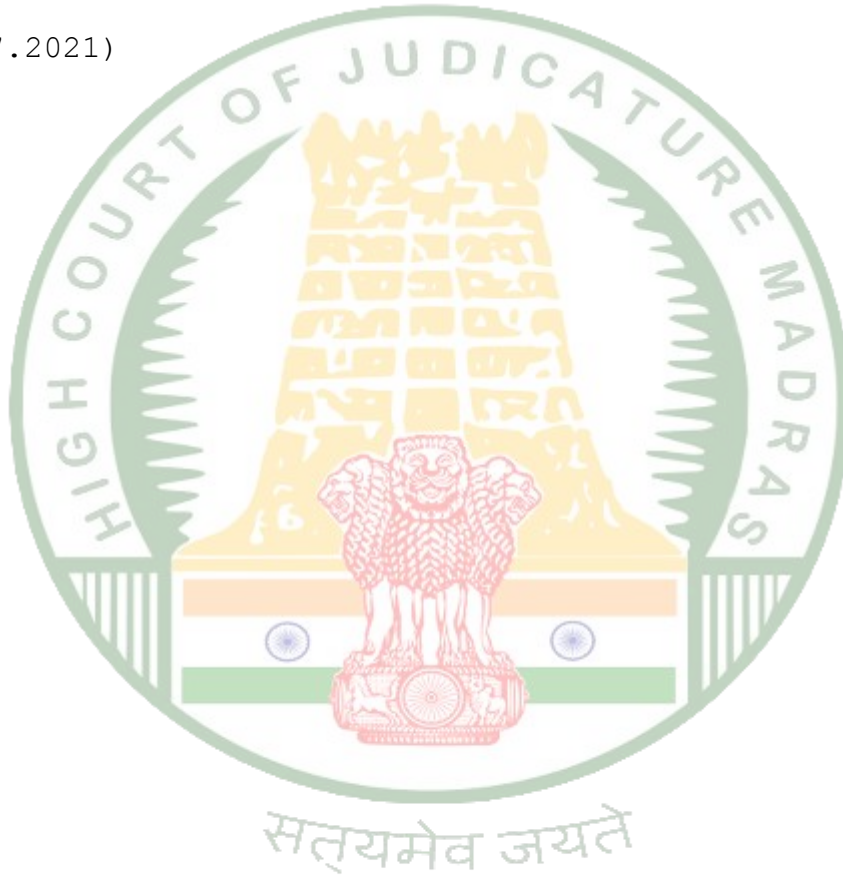
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To,
1. The Managing Director,
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
3/137, Salamedu,
Villupuram.

2. The General Manager,
TNSTC (Villupuram) Ltd.,
3/137, Salamedu, Villupuram.

3. The Administrator,
Tamil Nadu State Transport Corporation
Employees' Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai, Chennai-2.

+lcc to Mr.C.S.K.Sathish , Advocate SR.No. 17515
W.P.No.5762 of 2021

kv (CO)
A.SK(07.07.2021)



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