



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.(MD) No.5990 of 2021

S.Muthumari

...Petitioner

Vs.

1.The General Manager,
The Tamil Nadu State Transport
Corporation (Madurai) Ltd.,
Dindigul Region,
Bye-pass Road,
Dindigul.

2.R.Surulivel

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to settle the petitioner's share towards the retirement benefits and monthly family pension payable to the second respondent as the capacity of nominee with reasonable rate of interest within a time frame stipulated by this Court.

For Petitioner : Mr.G.M.Xavier

For R-1 : Mr.J.Senthilkumaraiah
Additional Government Pleader

O R D E R

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2.The learned Standing Counsel for the first respondent brought to the notice of this Court that the petitioner herein, namely S.Muthumari, had earlier filed a writ petition in W.P(MD) No.4701 of 2021 and had withdrawn the same on 16.03.2020. The prayer in the earlier writ petition and the present writ petition are one and the same, wherein the petitioner claims a share in the retirement benefits and monthly family pension of the second respondent, who is the employee of the respondent corporation.

3.On perusal of the withdrawal order in W.P(MD) No.4701 of 2021, it does not reveal that the petitioner was granted liberty to file a fresh writ petition. Accordingly, second writ petition for the same cause of action is not maintainable, in view of the principle of res judicata.



4. Accordingly, this Writ Petition stands dismissed. No costs.

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Sd/-

Assistant Registrar (RECORDS)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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NOTE :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The General Manager,
The Tamil Nadu State Transport
Corporation (Madurai) Ltd.,
Dindigul Region,
Bye-pass Road,
Dindigul.

+1 CC to Mr.G.M.XAVIER, Advocate (SR-11804[F] dated 17/03/2021)

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17.03.2021

KM (09.04.2021) 2P 3C