



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 26.02.2021

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

**W.P. (MD)No.18878 of 2016**

T.Vasantha

.. Petitioner

Vs

1.The General Manager,  
BHEL Company,  
Boiler Factory,  
Trichy-14.

2.The Human Resource Department Officer(GM HR),  
Human Resource Department ,  
BHEL Company(Main Office),  
Trichy-14.

3.The Bank Manager,  
BHEL Employees Cooperative Bank,  
BHEL Township,  
Boiler Factory,  
Trichy-14.

4.M.Thangaraj

.. Respondents

**Prayer:** Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 3 to stop the retirement benefits of the fourth respondent and pass appropriate order after hearing the petitioner regarding with payment of pension benefits to the fourth respondent.

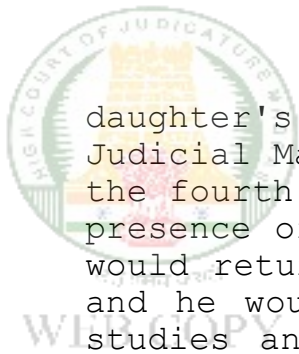
For Petitioner : Mr.R.Alagumani

**O R D E R**

This writ petition has been filed to issue a direction to the respondents 1 to 3 to stop the retirement benefits of the fourth respondent and pass appropriate order after hearing the petitioner regarding with payment of pension benefits to the fourth respondent.

2. Since no adverse order is going to be passed against the respondents, notice to them is dispensed with. By consent, the writ petition is taken up for disposal at the admission stage itself.

3. The case of the petitioner is that the fourth respondent was appointed as Technical Crane Operator in BHEL at Trichy and the petitioner is the wife of the fourth respondent and out of the wedlock, they have one daughter and now she is studying B.Ed. Due to the illicit relationship with one married woman, the petitioner's husband/4<sup>th</sup> respondent herein is not providing any financial help to the petitioner and her daughter to lead their life and for her



daughter's studies. Hence, she filed M.C.No.179/2014 before the Judicial Magistrate Court, Trichy for maintenance. In the meanwhile, the fourth respondent entered into an agreement on 24.07.2014 in the presence of the elders of the villagers, in which he stated that he would return the Sridhana jewels of 40 sovereigns to the petitioner and he would repay the education loan borrowed for her daughter's studies and further, he would be a responsible father and do his duties in future for his family. Believing his words, the petitioner did not appear before the Judicial Magistrate Court, Trichy, for hearing and hence, the case was dismissed for non-appearance. Thereafter, the fourth respondent retired on 24.09.2016. Again the fourth respondent did not turn back to maintain his family as per the agreement and he continues to spend his earnings to other women. Hence, the petitioner made a representation on 24.09.2016 to the respondents 1 to 3 to stop the retirement benefits of the fourth respondent, however, the said representation has not been considered so far. Hence, this writ petition.

4. Heard the learned counsel for the petitioner and perused the materials available on record.

5. Perusal of the records shows that during the pendency of the maintenance case, the fourth respondent has entered into an agreement in which he has stated that the retirement benefits and other pensionary benefits are payable to the petitioner and her daughter, who are the only legal heirs to the fourth respondent herein. The said agreement was filed before this Court. In view of the agreement, the prayer sought for in this writ petition cannot be considered and hence this writ petition deserves to be dismissed.

6. Accordingly, this writ petition stands dismissed. No Costs. The said agreement dated 24.07.2014 shall form part of this order.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

*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.*



+1 CC to M/s.R.ALAGUMANI, Advocate ( SR-8133[F] dated 02/03/2021 )

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