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W.P.No.28011 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2022

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.28011 of 2022

S.A.Narayanasamy
Staff No.41962,
Special Grade Driver-Retired
S/o Annamalai
Door No.1/125, Thopu Street,
Athimanjeripettai,
Tirunelveli District – 627 401

... Petitioner

Vs

1. The Government of Tamilnadu,
rep. by its Secretary to Government,
Transport Department,
Secretariat,
Chennai – 600 009.
2. The Managing Director,
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.,
Villupuram Division,
Villupuram.
3. The General Manager,
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.,
Kancheepuram Region, Kancheepuram.



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4. The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai – 600 002.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondents herein to include the name of 2nd wife of the petitioner namely Rukmani in the Pension Proposal order within the time limit that may be fixed by this Hon'ble Court.

For Petitioner	...	Mr.N.Sudhagar Nagaraj
For Respondents	...	Mr.Yogesh Kannadasan, Special Government Pleader for R1 Mr.L.S.N.Hasan Fizal, Additional Government Pleader for R2 and R3 Mr.C.S.K.Sathish, Standing Counsel for R4

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to include the name of the second wife of the petitioner namely, Rukmani, in the Pension Proposal Order, based on the



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petitioner's representation dated 01.02.2022 within the time frame to be fixed by this Court.

2. According to the petitioner, he was employed with the 3rd respondent Transport Corporation and he retired from service. Earlier, he married Mallika, who died on 01.03.1998. Thereafter, he has married Rukmani as second wife on 29.05.1998. According to the petitioner, in the Pension Proposal Order, the name of the second wife, Rukmani, has not been mentioned. In the said circumstances, he has given a representation on 03.02.2022 requesting the respondents to include the name of his second wife Rukmani in the Pension Proposal Order. Since the representation has not been considered till date, he has filed this Writ Petition.

3. Heard the learned counsel for the petitioner, Mr.Yogesh Kannadasan, learned Special Government Pleader, accepts notice on behalf of the 1st respondent, Mr.L.S.M.Hasan Fizal, learned Additional Government Pleader, accepts notice on behalf of the 2nd and 3rd respondents and Mr.C.S.K.Sathish, learned Standing Counsel, accepts notice on behalf of the 4th respondent.

4. The petitioner has filed documents along with this writ petition to



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substantiate his claim that Rukmani is his second wife, whom he married only after the death of his first wife. Therefore, he is entitled to include the name of his wife, Rukmani, in the Pension Proposal Order.

5. No prejudice would be caused to the respondents, if the petitioner's representation referred to supra is considered on merits and in accordance with law within the time frame to be fixed by this Court.

6. For the forgoing reasons, this Court directs the 2nd to 4th respondents to consider the petitioner's representation dated 01.02.2022, seeking to include the name of his wife Rukmani in the Pension Proposal Order within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the aforesaid directions, the Writ Petition is disposed of. No costs.

28.10.2022

Index: Yes/ No
Speaking Order/Non-speaking Order
vsi



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ABDUL QUDDHOSE, J.

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