



WEB COPY



WP No.34297 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02-11-2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.34297 of 2017

1.Mr.Raja Rajangam
2.Mr.Ramesh Rajangam ..

Petitioners

VS.

1.State of Tamil Nadu Represented by its
Commissioner and Secretary,
Department of Transport,
Fort St. George,
Chennai – 600 009.

2.Metro Transport Corporation Ltd.,
Represented by its Managing Director,
Pallavan Salai,
Chennai – 600 002.

3.Mrs.Jayalakshmi ..

Respondents



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Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 1 and 2 herein to dispose of the petitioner's representation dated 08.12.2016 as expeditiously.

For Petitioners	: Mr.M.Krishna Kaushik for Mr.Thomas T.Jacob.
For Respondent-1	: Mr.R.P.Murugan Raja, Government Advocate.
For Respondent-2	: Mr.C.Gauthama Raj
For Respondent-3	: Not Ready in Notice.

ORDER

The relief sought for i the present writ petition is to direct the respondents 1 and 2 to dispose of the representation submitted by the petitioners on 08.12.2016.

2. The petitioners state that their father late Mr.V.Rajangam was employed in the respondent-Transport Corporation and died on 10.03.2007.



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The mother of the writ petitioners also died subsequently on 02.04.2007 i.e., one month after the date of death of their father.

3. The learned counsel for the petitioners state that the third respondent Smt.Jayalakshmi is claiming as the second wife of the deceased employee and her name was nominated in the Service Register of the deceased employee i.e., the father of the writ petitioners. However, the marriage between the father of the writ petitioners and the third respondent was invalid since the marriage was solemnised during the lifetime of the first wife, who is the mother of the writ petitioners. Therefore, the respondents 1 and 2 unable to settle the terminal benefits due to the deceased employee. Since the first wife of the deceased employee also died, the question of granting family pension to the first wife would not arise at all.

4. Regarding the settlement of terminal benefits, the status of the third respondent is to be decided by way of an adjudication and therefore, the parties are at liberty to approach the Competent Civil Court of Law for establishing their status for the purpose of claiming the terminal benefits from



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the respondents 1 and 2.

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5. With the abovesaid liberty, the writ petition stands disposed of. However, there shall be no order as to costs.

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Index : Yes/No.

Internet : Yes/No.

Speaking Order/Non-Speaking Order.

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To
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1. Commissioner and Secretary,
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Department of Transport,
Fort St. George,
Chennai – 600 009.
2. The Managing Director,
Metro Transport Corporation Ltd.,
Pallavan Salai,
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S.M.SUBRAMANIAM, J.

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