



W.P.(MD) No.2809 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.12.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD) No.2809 of 2020 and
WMP(MD) No.2376 of 2020

J.Usarani

... Petitioner

-VS-

1.The Managing Director,
Metropolitan Transport Corporation (Chennai) Ltd.,
Pallavan Salai
Chennai.

2.The Branch Manager,
Metropolitan Transport Corporation (Chennai) Ltd.,
Perambur Depot,
Perambur
Chennai.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned proceedings in Letter No.25680/சபி(நீந) 7/மடபேரக/2019 dated 18.06.2019 passed by the 1st respondent and quash the same as illegal and consequently direct the respondents to enter the petitioner name and her daughter's name including (1) Prabha aged 22 years



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old and (2) Aparna, 18 years old as nominee in the service book of his husband, working as Assistant Tradesman (ATM) vide EDP No.A/23239 with 2nd respondent.

For Petitioner : Mr.T.Indrachithu

For Respondents : Mr.R.Rajamohan

ORDER

Challenging the impugned order of the 1st respondent dated 18.06.2019 and for a consequential direction to the respondents to enter the petitioner name and her daughter's name including (1) Prabha aged 22 years old and (2) Aparna, 18 years old as nominee in the service book of his husband, working as Assistant Tradesman (ATM) vide EDP No.A/23239 with the 2nd respondent, this writ petition has been filed.

2.It is the case of the petitioner that his husband namely Jaisingh was working as Assistant Tradesman in the 2nd respondent Corporation. Since the husband of the petitioner did not maintain his family and due to some matrimonial dispute, the petitioner herein filed a maintenance case against her husband, which is pending in MC No.5 of 2019 before the



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Judicial Magistrate Court, Vilathikulam, Thoothukudi District. However, since her husband has not made the petitioner and the children as nominees in the Service Book, the petitioner gave a representation to the Chief Minister's Cell, which was forwarded to the first respondent. On receipt of the same, the first respondent rejected the said representation stating that the maintenance case is pending and unless an order is passed in the pending case, the case of the petitioner for including her name and the name of the children as nominees could not be processed. Therefore, challenging the same, the petitioner is before this Court.

3. The learned counsel for the petitioner would submit that the petitioner being the wife of the respondent workman, who is an employee of the respondent corporation, she and their children are entitled to be considered as nominees and the impugned order has been passed only on the ground that during the pendency of the maintenance case, the petitioner and her children are not entitled to be included as nominees and hence, a direction may be issued.



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4. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

5. Considering the facts and circumstances of the case and without interfering with the impugned order, this writ petition is disposed of with liberty to the petitioner to work out her remedy in the manner known to law, after the disposal of the maintenance case in MC No.5/2019 or if any settlement is arrived at between the petitioner and her husband. No costs. Consequently connected Miscellaneous Petition is closed.

07.12.2022

Index : Yes
Internet : Yes/No

RR

To

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Metropolitan Transport Corporation (Chennai) Ltd.,
Pallavan Salai, Chennai.

2.The Branch Manager,
Metropolitan Transport Corporation (Chennai) Ltd.,
Perambur Depot, Perambur, Chennai.



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M.DHANDAPANI, J.

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