



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.04.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.17717 of 2019
W.M.P(MD) .No.15160 of 2019

Shanthi

... Petitioner

-vs-

The General Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Karaikudi Region,
Sivagangai District.

... Respondent

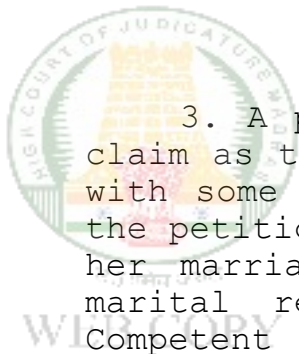
Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondent to make necessary entry in the service record of the petitioner's husband namely Balasubramanian DR.No.92017.

For Petitioner : Mr.C.Mayilvahana Rajendran
For Respondent : Mr.P.Balasubramanian
Standing Counsel for TNSTC

O R D E R

The relief sought for in the present writ petition is to direct the respondent to make necessary entry in the service record of the petitioner's husband namely Balasubramanian DR.No.92017.

2. The petitioner states that she married Balasubramanian who was employed as Driver in the Transport Corporation on 16.07.1998. The marriage was solemnised as per the Hindu Rites and Customs at Peraiyur. The petitioner states that she was conceived and went to her parent house for delivery of child. The petitioner came to know that her husband had an illegal intimacy with a lady, who is having five children. The petitioner states that her husband stayed with the said lady permanently. A mediation and Conciliation held for re-union and failed. Thereafter, the petitioner filed a maintenance petition in M.C.No.17 of 1993 and the said petition was allowed.



3. A perusal of the affidavit reveals that there is a counter claim as the petitioner herself admitted that her husband is living with some other lady, who is having five children. This being so, the petitioner has to resolve the disputes regarding the validity of her marriage with the employee. In the event of any dispute in marital relationship, a person aggrieved has to approach the Competent Court of law for declaration and regarding the validity of the marriage for the purpose of receiving family pension and other benefits.

4. In the present case, the petitioner seeks the relief to enter her name in the service records of the petitioner which cannot be directly issued by this Court in a writ proceedings. The petitioner is at liberty to approach the Competent Court of law for getting appropriate declaration by impleading the said lady also in the case for proper adjudication.

5. With these observations, the Writ Petition stands disposed of. However, there shall be no order as to costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (W)

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/ /2022

Sub Assistant Registrar(CS)

ssb

To

The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Karaikudi Region,
Sivagangai District.

+1 CC to M/s.C. MAYIL VAHANA RAJENDRAN, Advocate (SR-20262[F]
dated 21/04/2022)

+1 CC to M/s.P.BALASUBRAMANIAN, Advocate (SR-20774[F]
dated 25/04/2022)

W.P. (MD) No.17717 of 2019

21.04.2022

NA (CO)

GC(10.05.2022) 2P 4C