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W.P.No.12877 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2023

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.12877 of 2023

K. Shanmugam

...Petitioner

Vs

The General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Vazhudhareddy Salemedu,
Vizhupuram – 605 602.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the Respondent to dispose of the petitioner's Representation dated 16.11.2020 following the earlier representation given on 06.03.2020 on merits within the time limit fixed by this Court and pass orders.

For Petitioner : Mr. R. Muralidharan

For Respondent : Mrs.S. Pavithra
Standing Counsel



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ORDER

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2. The petitioner has filed this writ petition seeking a direction to the respondent to dispose of the petitioner's Representation dated 16.11.2020 following the earlier representation given on 06.03.2020

3. The case of the petitioner is that he is a retired employee from the Respondent Corporation. There was misunderstanding between the petitioner and his first wife/Rani Mangammal, due to which, the petitioner filed a petition for divorce in H.M.O.P.No.160 of 1993 and the same was allowed. Thereafter the petitioner married one Bhavani and due to the said wedlock two female children were born to them. Hence, the said Bhavani and her two children have been nominated as legal heirs in the Service Book of the petitioner. Challenging the same the petitioner's first wife/Rani Mangammal filed an appeal in C.M.A.No.10 of 2002 and the same was allowed. Aggrieved over the same the petitioner filed a C.M.S.A No.37 of 2003 before this Court and the same was allowed vide



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order dated 20.09.2019. Thereafter, the petitioner gave a representation to the respondent on 06.03.2020 and 16.11.2020 to declare the petitioner's second wife and his two daughters as legal heirs who are legally eligible for family pension and to make mutation to that effect in the Service Book. However, no action has been taken by the respondent till date. Hence this petition.

4. The learned counsel for the petitioner submitted that it would be suffice if this Court issues a direction to the respondent to consider the petitioner's representation and pass orders.

5. The learned Government Advocate appearing for the respondents submits that the representation of the petitioner will be considered on merits and in accordance with law.

6. Admittedly the facts of the case are not in dispute, the petitioner has been granted divorce legally and there is no legal impediment for the respondent to consider the case of the petitioner.



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7. Considering the facts of the case, this Court directs the respondent to consider the representation of the petitioner and pass orders within a period of eight weeks from the date of receipt of a copy of this Order. This writ petition is disposed of in the above terms. No costs.

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Index: Yes/No

Speaking order/Non-speaking order
smn

To
The General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Vazhudhareddy Salemedu,
Vizhupuram – 605 602.



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V.BHAVANI SUBBAROYAN,J.

smn

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