



W.P.(MD)No.3548 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:22.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.3548 of 2023
and
W.M.P(MD)No.3301 of 2023

S.Mupppudathi

... Petitioner

Vs.

1.The State of Tamilnadu,
Rep. by its Additional Chief Secretary,
Tamilnadu State Transport Corporation,
Secretariat,
Chennai – 600 009.

2.The General Manager,
Tamilnadu State Transport Corporation,
Thiruvalluvar House,
Pallavan Salai,
Chennai.

3.The Manager,
Central Depot,
Tamilnadu State Transport Corporation,
Tirunelveli Zone,
Tirunelveli District.

4.V.Piramanayagam

... Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents 1 to 3 from disbursing the service and pension benefits to the fourth respondent without consent of the petitioner by considering her representation dated 21.12.2022 within the time stipulated by this Court.

For Petitioner	: Mr.T.Thirumurugan
For R-1	: Mr.S.P.Maharajan, Special Government Pleader
For R-3	: Mr.D.Jebaraj

ORDER

This writ petition has been filed for a direction to the respondents 1 to 3 from disbursing the service and pension benefits to the fourth respondent without consent of the petitioner by considering her representation, dated 21.12.2022, within a stipulated period.

2. The case of the petitioner is that the fourth respondent is the husband of the petitioner. The fourth respondent was working as Ticket Inspector in the third respondent Corporation and he retired from service during May 2022. The further case of the petitioner is that as the fourth respondent had some illicit intimacy with another lady, who is his



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nephew's wife, a dispute arose between the petitioner and the fourth respondent and due to which, he deserted the petitioner and her daughter. Hence, the petitioner has filed a maintenance application in D.V.C.No.6 of 2022, which is pending before the learned Judicial Magistrate, Ambasamudram, Tirunelveli District. While being so, the fourth respondent has taken steps to remove the name of the petitioner from the service records and to include the name of his nephew's wife. The grievance of the petitioner is that due to financial constrain, she is not able to arrange marriage for her daughter. Hence, the petitioner has made a detailed representation on 21.12.2022 before the respondents 1 to 3, requesting not to disburse the service and pension benefits to the fourth respondents without the consent of the petitioner. The said representation was not considered so far. Hence, the petitioner has filed this writ petition with the aforesaid prayer.

3. The learned counsel appearing for the petitioner would submit that it would suffice, if the third respondent is directed to dispose of the representation of the petitioner, dated 21.12.2022, on merits and in accordance with law, within a specified period.



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4. The learned Standing Counsel appearing for the third respondent, has no serious objection for such an order being passed by this Court. Since no adverse order is passed against the fourth respondent hence notice to fourth respondent is dispensed with

5. Considering the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the matter, directs the third respondent to consider the petitioner's representation, dated 21.12.2022 and pass appropriate orders, on merits and in accordance with law, after providing opportunity to the fourth respondent, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

22.02.2023

PM
NCC:Yes/No
Index:Yes/No

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To

The Additional Chief Secretary,
The State of Tamilnadu,
Tamilnadu State Transport Corporation,
Secretariat,
Chennai – 600 009.



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M.DHANDAPANI,J.

pm

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