



W.P.(MD).No.9937 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.10.2023

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THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.9937 of 2023

and

W.M.P(MD)No.8742 of 2023

Caroline Margaret

... Petitioner

Vs.

- 1.The Director General of Police,
Office of the Director General of Police,
Kamarajar Salai, Chennai.
- 2.The Inspector General of Police,
Office of the Inspector General of Police,
Central Zone, Tiruchirappalli.
- 3.The Superintendent of Police,
Office of the Superintendent of Police,
Tiruchirappalli District,
Tiruchirappalli.
- 4.S.John Joseph Robert,
Sub-Inspector of Police,
Ramji Nagar Police Station,
Tiruchirappalli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to



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3 to conduct enquiry on the basis of the petitioner's representation, dated 15.02.2023 and take appropriate action against the fourth respondent and consequential direction to the respondents 1 to 3 to order to include the petitioner's name and her daughter's name as nominee in the service register of the fourth respondent.

For Petitioner : Mr.D.Shanmugaraja Sethupathi

For R-1 to R-3 : Mr.T.Villavan Kothai
Additional Government Pleader

For R-4 : Mr.J.Lawrance

ORDER

The present writ petition has been filed seeking a Writ of Mandamus, directing the official respondents to conduct an enquiry as against the fourth respondent herein with regard to inclusion of the writ petitioner and her daughter's name as nominee in the service register of the fourth respondent.

2. According to the petitioner, she is the first wife of the fourth respondent on the basis of a marriage said to have been performed on 07.06.1991. It seems that the fourth respondent had developed a relationship with another lady by name J.Uthami Saral Catherin and he is said to have married the said lady. The writ petitioner herein had lodged a complaint with



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the respondents 1 to 3 for initiating departmental proceedings as against the fourth respondent herein. After conducting an enquiry, the Department found that the fourth respondent has committed misconduct by marrying twice and he was compulsorily retired on 10.05.2023.

3. The facts projected above will clearly indicate that as on today the fourth respondent is not in service. The prayer as against the respondents 1 to 3 to conduct enquiry as against the fourth respondent would not survive, in view of the fact that the fourth respondent is no longer in service. Apart from that, the fourth respondent after having been compulsorily retired by the Department, has received the entire terminal benefits. The question of entering the name of the nominees in the service register would have any benefit only in cases where the employee dies in harness. In the present case, the fourth respondent has received the entire terminal benefits. In view of the above said facts, the dispute between the petitioner and the fourth respondent herein cannot be resolved in the present writ petition. However, the petitioner is at liberty to approach the competent Court to establish her relationship with the fourth respondent and for any maintenance or other benefits for herself and her daughter.



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4. With the above said liberty, this writ petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

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NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

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- 3.The Superintendent of Police,
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- 4.The Sub-Inspector of Police,
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R.VIJAYAKUMAR, J.

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