



W.P.No.14289 of 2022

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.14289 of 2022
and
W.M.P.No.13523 of 2022

D.Kandhasamy

...Petitioner

-Vs-

1.The Tamil Nadu State Transport Corporation
(Villupuram) Limited,
Represented by its Managing Director,
Villupuram,
Villupuram District.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Villupuram) Limited,
Villupuram Region,
Villupuram District.

3.The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai – 600 002

... Respondents



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Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 2nd Respondent in Ka.No.2107/VuNi3/TNSTC(Vi)/2018 dated 17.10.2018, quash the same, consequently, directing the Respondents to register the name of petitioner's wife namely Manjal Matha in his Service Record Book as well as the Pension Payment Order as nominee for the purpose of Family Pension and for other benefits provided to the family under the Tamil Nadu State Transport Corporation Employees Pension Fund Rules and other regulations, settlements of the 1st Respondent corporation.

For Petitioner : Mr.V.Ajoy Khose

For Respondents : Mrs.S.Pavithra
Standing Counsel

ORDER

This writ petition has been filed challenging the order passed by the 2nd respondent dated 17.10.2018 thereby rejecting the request made by the petitioner to enter his wife's name Manjal Matha in his Service Record Book as well as in the Pension Payment order.



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2. The petitioner had joined in the services of the 1st respondent corporation as Conductor on 29.05.1985. Due to his age of superannuation, he was retired from service on 31.10.2017. While he was in service, he did not enter any name in the Service Record Book as his nominee. Originally, he got married one C.Tamizhselvi on 02.06.1991. The said marriage was not registered before any registering authority. Thereafter, the said Tamizhselvi refused to live with the petitioner and got married another person namely T.Natarajan and living with him. She gave birth to one female child. Thereafter, the petitioner got married one Manjal Matha on 14.09.1999. The said marriage was not registered before any registering authority. The said Manjal Matha gave birth to two children.

2.1. After the retirement of the petitioner, he submitted a representation requesting the respondents to nominate his wife namely Manjal Matha as nominee in the Service Record Book as well as Pension Payment Order. However, it was rejected by the respondents on the ground that the petitioner during his service, he failed to enter his nominee name in the Service Record Book. He got married one Tamizhselvi and they got separated. The petitioner failed to get any divorce decree against the said Tamizhselvi or any registration certificate in respect of the second wife Manjal Matha in order to prove his



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marriage. Consequently, the said Tamizhselvi left the petitioner and got married with one T.Natarajan and gave birth to one female child. The petitioner also produced the Service Record Book of Tamizhselvi. It revealed that she got married one T.Natarajan and gave birth to one female child by name Ms.N.Magudamathi. That apart, the respondent have no right while registering the name given by the petitioner as his nominee.

3. In view of the above, the impugned order passed by the 2nd respondent dated 17.10.2018 cannot be sustained and liable to be quashed. Accordingly, the impugned order passed by the 2nd respondent dated 17.10.2018 is quashed. The 2nd respondent is directed to enter the petitioner's wife's name i.e., Mrs.Manjal Matha as his nominee in the Service Records Book as well as in the Pension Payment Order forthwith.

4. Accordingly, this Writ Petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

04.01.2024

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

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G.K.ILANTHIRAIYAN. J,



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