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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2024

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.25019 of 2024

M.S.Somu

... Petitioner

Vs.

1. The Additional Chief Secretary to the Government,
Transport Department,
Secretariat, Chennai 600 009
2. The Managing Director,
Metropolitan Transport (Chennai)
Corporation Limited
Pallavan Illam, Chennai 600 002.
3. The Assistant Manager (Pension),
Metropolitan Transport (Chennai)
Corporation Limited, Pallavan Illam,
Chennai 600 002

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2nd and 3rd respondents to include



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the petitioner's second wife name Mrs.Sundari as a nominee in his family pension.

For Petitioner : Mr.M.Jagan

For Respondents : Mr.P.Balathandayutham
Special Government Pleader
for R1
Mr.R.Balaji
for R2 and R3

ORDER

This writ petition has been filed for the issue of writ of Mandamus directing the respondents 2 and 3 to include the name of the petitioner's 2nd wife as a nominee for family pension.

2. Heard Mr.M.Jagan, learned counsel for the petitioner and Mr.P.Balathandayutham, learned Special Government Pleader for 1st respondent and Mr.R.Balaji for respondents 2 and 3.

3. The case of the petitioner is that he joined the services of the respondent Corporation as a Driver in the year 1978. The petitioner retired from



service on 31.10.2005. The petitioner was married to one Subbammal in the year 1970 and her name was given as a nominee for family pension.

4. The further case of the petitioner is that the said Subbammal deserted the petitioner and she started living with another person. She also filed a divorce petition against the petitioner and obtained an ex parte decree of divorce before the Family Court, Chennai.

5. The petitioner married one Sundari in the year 2001. After the retirement of the petitioner, the petitioner is receiving the pension. The petitioner wants to nominate the said Sundari as a nominee for receiving the family pension after the life time of the petitioner. The petitioner approached the respondents and requested for adding the name of said Sundari as a nominee. The respondent Corporation was insisting for the copy of the order dissolving the marriage between the petitioner and the above said Subbammal. The petitioner was not in a position to produce that order. His representations also did not evoke any response. Therefore, the present writ petition has been filed before this Court seeking for appropriate directions.



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6. The learned counsel for the petitioner submitted that the petitioner is now aged about 75 years and he does not have sufficient funds to engage a counsel and his case is taken care of by the legal services authority. The learned counsel submitted that the petitioner is therefore not in a position to get the copy of the exparte decree obtained by the 1st wife Subbammal.

7. In the considered view of this Court, the name of the 1st wife has already been added as a nominee in the service records. Unless and otherwise the petitioner is able to produce a valid record before the respondent corporation to prove that the 1st marriage has been dissolved in accordance with law, the respondent corporation cannot straight away remove the name of 1st wife and include the name of the 2nd wife.

8. In view of the above, there shall be a direction to the Tamil Nadu State Legal Services Authority to help the petitioner in getting the certified copy of the exparte decree obtained by Subammal whereby the first marriage was dissolved in accordance with law. This process shall be completed within a



period of four weeks from the date of receipt of a copy of this order.

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9. The petitioner after obtaining the certified copy of the decree shall make a fresh representation to the respondents 2 and 3 along with copy of the exparte decree. The respondents 2 and 3 shall act upon the same and add the name of the 2nd wife as a nominee to receive the family pension. This process shall be completed by respondents 2 and 3 within a period of six weeks from the date of receipt of the fresh representation from the petitioner.

10. This writ petition is disposed of with the above directions. No costs. The Registry is directed to mark a copy of this order to the Tamil Nadu State Legal Services Authority, Chennai.

02.09.2024

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
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To

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