



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.07.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.14967 of 2024

P.Eswaran

.. Petitioner

Vs.

1. The District Collector,
The District Collector Office,
Virudhunagar,
Virudhunagar District.

2. The Managing Director,
Tamilnadu State Transport Corporation
(Madurai Zone-V) Ltd.,
Bypass, Madurai-10.

3. The Manager,
Tamilnadu State Transport Corporation,
Tamilnadu State Transport Corporation
Employees Pension Association,
Thiruvalluvar Illam, Pallavan Salai,
Chennai-02.

4. The Branch Manager,
Tamilnadu State Transport Corporation,
Virudhunagar Zone,
Virudhunagar,



Virudhunagar District.

5. S.Umamaheswari

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 4th respondent to comply the order passed by the 1st respondent in Na.Ka.Ke. 134537-2022 dated 12.06.2024 within a time frame fixed by this Court.

For Petitioner : Mr.G.Ezhilarasu

For Respondents : Mr.N.Ramesh Arumugam
Government Advocate for R1
:Mr.S.C.Herold Singh
Standing Counsel for R2, R3 & R4

ORDER

Heard Mr.G.Ezhilarasu, learned counsel appearing for the petitioner, Mr.N.Ramesh Arumugam, learned Government Advocate appearing for the first respondent and Mr.S.C.Herold Singh, learned Standing Counsel appearing for the respondents 2, 3 & 4.



2. The petitioner has filed this writ petition seeking writ of mandamus directing the 4th respondent to comply the orders of the first respondent dated 12.06.2024.

3. The petitioner has stated that the 5th respondent is not the wife of the deceased S.Ganesan and by falsely impersonated herself as wife of the said S.Ganesan, she is receiving the pension in a wrongful manner. The fact remains that S.Ganesan is the deceased employee of the respondent Corporation. According to the petitioner, she is the wife of one V.K.S.Ganesan. So far as the petitioner is concerned, he is a third person who has got some civil litigation with the fifth respondent. It seems that the petitioner has given a complaint to the respondents 2 & 3 by alleging that the 5th respondent has been receiving the pension by making misrepresentation. The complaint is said to have been forwarded to the 4th respondent for enquiry on 12.06.2024. Even though the petitioner might be the complainant seeking to initiate action against the 5th respondent, it is for the respondents and his employee to satisfy the records submitted by the deceased with regard to his lawful legal heirs



WEB COPY

or wife who is entitled to get the pension. The petitioner cannot make use of the service jurisdiction to settle his score in view of the previous enmity between himself and the 5th respondent. It is clear that the petitioner has got enmity in view of the pending civil litigation.

4. When the first respondent directs the fourth respondent to do certain act, it is for the first respondent to make follow up or direct the fourth respondent by giving further instructions or getting remarks. The petitioner, who is the third party, cannot be allowed to exaggerate the complaint given by him, by filing this writ petition seeking writ of mandamus. Since the petitioner's only intention is to defeat the 5th respondent in the pending civil litigation by getting some kind of orders against the 5th respondent, such intentions cannot be allowed to be achieved by invoking the writ jurisdiction.

5. In view of the same, this writ petition is **dismissed**. No Costs.

19.07.2024

Index : Yes / No
NCC : Yes / No
P JL



WEB COPY

To

1. The Chief Engineer(Personnel),
TANGEDCO,
No.144, Anna Salai,
Chennai - 2.

2. The Chief Engineer(Distribution),
TANGEDCO,
Madurai Division,
K.Pudur,
Madurai.

3. The Superintending Engineer,
TANGEDCO,
Madurai Division,
K.Pudur,
Madurai - 625 007.



WEB COPY



R.N.MANJULA, J.

PJL

W.P.(MD)No.14967 of 2024

19.07.2024