



W.P(MD)No.17333 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.17333 of 2019 and
WMP(MD) No.13832 of 2019

K.S.Uma

... Petitioner

Vs

1.The Managing Director,
Tamilnadu State Transport Corporation Ltd.,
Head Office, By-Pass Road,
Madurai-16.

2.The Public Manager,
Tamilnadu State Transport Corporation Ltd,
Head Office,
By-Pass Road,
Madurai-16.

3.R.Malar

...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 and 2, to sanction and pay the terminal benefits of petitioner's husband namely V.Raman, (Batch No.6476) to the Petitioner.



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For Petitioner	: Mr.B.Vijay Karthikeyan
For R1 & R2	: Mr.J.Senthil Kumaraiah Standing Counsel
For R3	: Mr.A.Mu.Sharvanan

ORDER

The petitioner claiming to be the wife of one Raman/ an employee of the Tamil Nadu State Transport Corporation has filed this writ petition seeking retirement benefits of her husband.

2.The learned counsel appearing for the petitioner submits that the said Raman died on 18.10.2018. Therefore, this petitioner has made a request for the retirement benefits due to Raman and the same was not considered by the respondents, on the objections of the third respondent herein that she is the legally wedded wife of the deceased Raman. Therefore, this petitioner has filed this writ petition in the year 2019.



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3.Today (18.12.2024), when this writ petition is taken up for hearing, the learned Standing Counsel appearing for the respondent Corporation submits that though the petitioner is the first wife of the employee Raman, the marriage between this petitioner and Raman was dissolved by a decree granted by the Sub Court, Periyakulam in HMOP No.91 of 2001. According to the learned Standing Counsel after the decree granted by the competent Court, the employee Raman has married another woman/the third respondent herein in the year 2005. He died only in the year 2018. As per the service records, the third respondent is shown as the legally wedded wife of the deceased employee and therefore the third respondent alone is entitled for the retirement benefits. It is reported by the learned Standing Counsel that the benefits have not been disbursed to the third respondent, in view of the interim order granted by this Court.

4.In reply, the learned Counsel for the petitioner submits that the Decree of divorce mentioned by the respondent Corporation is an exparte decree and the same was decreed, without issuing any notice



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to the petitioner and without her knowledge. That apart, the petitioner is having a child and that child is entitled for the retirement benefits. Therefore, according to the learned Counsel for the petitioner, she is also having a right in the retirement benefits of the deceased Raman. He further submits that the third respondent was now married to another person and therefore, she cannot be a legally wedded wife of the deceased Raman.

5.This Court considered the rival submissions made and also perused the materials placed on record.

6.The petitioner claims that she is the first wife of the deceased employee Raman and therefore, she is entitled for the retirement benefits due to him. On the side of the respondent Corporation, a stand has been taken that the marriage between the petitioner and the deceased Raman was dissolved by a Court of law and thereafter the deceased has married the third respondent herein and in service records, the third respondent name is shown as the legally



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wedded wife of the deceased. Therefore, they are about to settle the retirement benefits of the deceased Raman to the third respondent, however, it is withheld due to interim order granted by this Court. This Court, by invoking writ jurisdiction, cannot decide the right of the parties towards entitlement of the retirement benefits of the deceased employee. The petitioner has to work out her remedy only by filing a necessary suit for succession. The petitioner is at liberty to file a suit for succession within a period of eight weeks from the date of receipt of a copy of this order and she has to work out her remedy in the succession OP to be filed by her. The respondent Corporation shall not disburse the amount for a period of three months.

7. With the above directions, this writ petition is dismissed.

No costs. Consequently, connected Miscellaneous Petition is closed.

18.12.2024

NCC: Yes/No

Index: Yes

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B.PUGALENDHI, J.

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