



W.P.(MD)No.20549 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 24.07.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.20549 of 2021

P.Dharmaraj

... Petitioner

Vs.

1.The Management of
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Dindigul Region,
Rep. By its General Manager,
Dindigul.

2.The Administrator,
Tamil Nadu State Transport Employees Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai,
Chennai – 2.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to enter the name of petitioners wife as D.Pechiammal, W/o. P.Dharmaraj, in his pension documents and to pay her family pension after his life time.

For Petitioner	: Mr.S.Arunachalam
For 1 st Respondent	: Mr.J.Senthil Kumariah Standing Counsel
For 2 nd Respondent	: Mr.S.C.Herold Singh Standing Counsel



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ORDER

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This Writ Petition has been filed to direct the respondents to enter the name of petitioners wife as D.Pechiammal, W/o. P.Dharmaraj, in his pension documents and to pay her family pension after his life time.

2.The petitioner was appointed as a Conductor in the first respondent Corporation on 15.01.1985. Before joining the service of the first respondent Corporation, he married one Kasturi from Dindigul on 14.04.1981. However, the same ended in vain, resulting in separation by mutual consent and the petitioner separated from the said Kasturi on 04.08.1996 by way of an agreement for divorce and thereafter, he married one R.Pechiammal on 14.12.1997. Following which, he requested the first respondent to enter the name of the second wife in his service register. Accepting the petitioner's request, the first respondent registered the name of the second wife R.Pechiammal in the service register in the column for wife. The said Pechiammal gave birth to two children, a son and a daughter on 15.02.2002 and 02.09.1998 and their name was also entered in the service register of the petitioner by the first respondent. However, at the verge of his retirement, the respondents had directed the petitioner to get necessary order of divorce between him and his first wife Kasturi, since an agreement for divorce is not



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legally valid. Accordingly, the petitioner filed H.M.O.P.No. 18 of 2009 on the file of the Principal Sub Court, Dindigul and by order dated 13.09.2011, the marriage between the petitioner and Kasturi was dissolved. On dissolution of his marriage with the first wife by order dated 13.09.2011, the petitioner duly submitted the same before the first respondent. However, so far the name of his second wife R.Pechiammal is not properly entered in his service register facilitating the proper preparation of pension proposals. Hence, this Writ Petition came to be filed.

3. When the matter was taken up for hearing, the learned counsel for the petitioner submitted that in view of the divorce granted by the Principal Sub Court, at Dindigul in H.M.O.P.No.18 of 2009, dated 13.09.2011, there is no impediment for the respondent Corporation to enter the name of second wife R.Pechiammal in the column meant for wife.

4. The learned Standing Counsel appearing for the first respondent submitted that already the petitioner's request has been forwarded to the second respondent for appropriate action and the same is pending before the second respondent.



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5. Heard the learned counsel for the petitioner, the learned Standing Counsels for the respondents and carefully perused the materials available on record.

6. In view of the same, this Court hereby direct the second respondent to take into account, the divorce granted by the Principal Sub Court, Dindigul in H.M.O.P.No.18 of 2009 by order dated 13.09.2011 and make entry of R.Pechiammal in the column of wife in the pension file pertaining to the petitioner.

7. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

24.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Mrn



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L.VICTORIA GOWRI, J.

Mrn

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