



W.P.(MD).No.23863 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.23863 of 2023

and

W.M.P(MD) Nos.20020 and 24444 of 2023

P.Lakshmi

... Petitioner

Vs.

1. The Deputy Manager (Workman & Legal)
Tamil Nadu State Transport Corporation,
(Kumbakonam) Limited,
Thiruchirapalli Division,
Thiruchirapalli.

2. Chelliah

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the impugned order of the first respondent in பார்வை: தஅபோக/ திருச்சி/பபி-பி2 1131/2023, dated 28.07.2023 and quash the same as illegal and unlawful consequently direct the first respondent to withhold the payment of terminal benefits to the second respondent in the event of his retirement on attaining the age of superannuation till the pending disposal of maintenance petition before the learned Judicial Magistrate Court, Thuraiyur, Thiruchirapalli District in M.C.No.4 of 2022.



WEB COPY



W.P.(MD).No.23863 of 2023

For Petitioner : Mr.J.Pooventhera Rajan

For R1 : Mr.K.Ramaiah
Standing Counsel

For R2 : Mr.R.Gowri Shankar

ORDER

The instant Writ Petition has been filed by a divorced wife of the second respondent herein seeking to quash the order passed by the Transport Corporation on 28.07.2023, wherein they have rejected the request of the writ petitioner to stop payment of the terminal benefits to the second respondent.

2. It could be seen from the typed set of papers that due to the matrimonial dispute, the petitioner has filed H.M.O.P.No.32 of 2016, before the Sub Court, Thuraiyur, seeking divorce. Accordingly, the H.M.O.P has been allowed and divorce has been granted on 14.02.2018, which has not been challenged by the husband.

3. The second respondent herein, the husband of the writ petitioner, who is working as a Conductor in the first respondent Transport Corporation



W.P.(MD).No.23863 of 2023

and he was about to retire on 31.12.2023. In the meantime, the petitioner has filed M.C.No.4 of 2022 before the Judicial Magistrate Court, Thuraiyur, Thiruchirapalli District, seeking maintenance and the same is still pending.

4. The petitioner has given a representation on 21.06.2023 to the first respondent Management seeking to stop payment of all terminal benefits to the second respondent on the ground that he is not likely to take care of her. The said representation has been rejected by the first respondent Management on the ground that unless there is an order of civil Court, the disbursement of terminal benefits cannot be stopped. This order is under challenge in the present writ petition.

5. According to the learned counsel appearing for the writ petitioner, the second respondent has not taken care of her and he has not paid the maintenance amount to the writ petitioner and therefore, in case if the entire terminal benefits were disbursed to the second respondent, it will be difficult for recovering the said amount from the second respondent.



W.P.(MD).No.23863 of 2023

WEB COPY

6. Per contra, the learned counsel appearing for the second respondent had contended that the petitioner has got divorce from the second respondent as early as in February 2018 and so far no orders have been passed in M.C.No.4 of 2022 directing him to pay maintenance. In such circumstances, the order of the employer may be sustained.

7. I have carefully considered the submission made by the learned counsel on either side and perused the materials available on record.

8. As rightly pointed out by the learned counsel appearing for the second respondent that unless Civil Court passes an order for recovery of maintenance amount, the employer namely, the first respondent would not be in a position to stop the disbursement of the terminal benefits. The impugned order has been passed on 28.07.2023. Even thereafter, the petitioner, has so far, not approached any competent Court to stop the disbursement of the terminal benefits. That apart, so far no orders have been passed by the learned Judicial Magistrate, Thuraiyur, directing the second respondent to pay maintenance amount. In such circumstances, the order impugned in the writ petition cannot be interfered with and there are no merits in the Writ Petition.



W.P.(MD).No.23863 of 2023

WEB COPY

9. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous petitions stand closed.

24.09.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
ebsi

To

The Deputy Manager (Workman & Legal)
Tamil Nadu State Transport Corporation,
(Kumbakonam) Limited,
Tiruchirapalli Division,
Thiruchirapalli.



WEB COPY



W.P.(MD).No.23863 of 2023

R.VIJAYAKUMAR,J.

ebsi

W.P(MD)No.23863 of 2023

24.09.2024