



W.P.(MD)No.265 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE SHAMIM AHMED

W.P.(MD)No.265 of 2022

S.Sasikala,
W/o.Swaminathan,
Melakadamba,
Thenthirupperai Post,
Eral Taluk,
Thoothukudi District.

Petitioner

Vs

1.The Chief Personnel Officer,
GM Building,
Park Town,
Southern Railway,
Chennai.

2.The Senior Divisional Personal Officer,
Southern Railway,
Madurai Division,
Madurai - 625 001.

Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondents to provide 50% retirement monetary benefits of the Petitioner's husband based on his representation dated 23.10.2021 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.A.D.Ganeshamoorthi

For Respondents : Mr.K.R.Laxman



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ORDER

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1. This Writ Petition has been filed under the Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondents to provide 50% retirement monetary benefits of the Petitioner's husband based on his representation dated 23.10.2021.
2. The facts of the case in a nut shell, led to filing of this Writ Petition and necessary for disposal of the same, are as follows:-
 - (a) Initially, the Petitioner's husband, Swaminathan, was employed in the 2nd respondent's office. During his tenure, in the year 2000, the Petitioner's husband developed an illicit relationship with one Meena and abandoned the Petitioner and their children under distressing circumstances. Thereafter, the Petitioner became the sole caregiver for her children. In these circumstances, the Petitioner lodged a complaint against her husband and his alleged second wife, leading to the registration of an FIR in Crime No.18 of 2012 under Sections 498(A), 406, 506(II) of the IPC and r/w Section 4 of the TNPHW Act, dated 11.08.2012. Subsequently, a charge sheet was filed in C.C. No. 242 of 2013. In the meantime, the Petitioner filed M.C. No. 11 of 2012, wherein the court ordered the payment of Rs.26,000/-, which was deducted from the Petitioner's husband's salary account by the 2nd respondent and has been paid into the Petitioner's account since 2019.



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(b) Meanwhile, due to illness, the Petitioner's husband was to be granted voluntary retirement, prompting the Petitioner to submit a representation on 23.10.2021, seeking 50% of her husband's retirement monetary benefits. Despite this representation, the Respondents failed to take action, prompting the Petitioner to file the present Writ Petition seeking the aforementioned relief.

3. Heard Mr.A.D.Ganeshamoorthi, learned counsel for the Petitioner and Mr.K.R.Laxman, learned counsel for the Respondents.
4. The learned counsel for the Petitioner, while reiterating the averments made in the affidavit filed in support of this Writ Petition, submits that the Petitioner has made several representations before the Respondents. But, no final order was passed on the said representation and lastly, a representation was given on 23.10.2021 before the 2nd Respondent which is still pending for more than three years. He further submits that now the Petitioner is ready and willing to submit a fresh representation before the 2nd Respondent which may be directed to be disposed within a specified time.
5. Mr. K.R. Laxman, learned counsel for the Respondents, did not dispute the fact that the Petitioner had made several representations, with the



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most recent one dated 23.10.2021. He submits that the Petitioner is not entitled to the relief sought in the Writ Petition, as her husband had taken voluntary retirement and is still alive. Therefore, the Petitioner is not eligible for any relief. He further submits that the Petitioner may file a fresh representation before the 2nd Respondent, outlining her grievances, and it would be considered and decided in accordance with the law within a time frame to be fixed by this Court.

6. After considering the submissions made by the learned counsels for both parties and perusing the records and averments made in the Writ Petition, this Court deems it appropriate that no useful purpose will be served in keeping this Writ Petition pending before this Court. Accordingly, the 2nd Respondent may be directed to decide the case of the Petitioner in accordance with law.
7. Accordingly, the Petitioner is directed to file a fresh representation before the 2nd Respondent detailing her claim and grievances within a period of four weeks from today. If any such representation is filed by the Petitioner before the 2nd Respondent as per the time stipulated by this Court, the 2nd Respondent is directed to consider the same and pass a reasoned and speaking order on merits and in accordance with law, after giving sufficient opportunity to the Petitioner, within a period of two months from the date of receipt of such representation. The 2nd Respondent shall communicate



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the order to the Petitioner through Registered Post with Acknowledgement Due (RPAD) within a period of two weeks from the date of passing the order.

8. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs.

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Index:Yes/No
Web:Yes/No
Speaking/Non Speaking
Nsr

To:

- 1.The Chief Personnel Officer,
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Southern Railway,
Chennai.
- 2.The Senior Divisional Personal Officer,
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SHAMIM AHMED, J.

Nsr

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