



W.A(MD) No.1617 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 23.06.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

W.A(MD) No.1617 of 2025

and

C.M.P.(MD)No.9133 of 2025

Gurusekar

... Appellant / 4th Respondent

Vs.

**1.The Registrar of Co-operative Societies,
No.170, N.V.Nataraja Maligai,
EVR Salai, Keelpakkam,
Chennai-600 010.**

**2.The Joint Registrar of Cooperative Societies,
The Collectorate Building,
Sivagangai,
Sivagangai District.**

**3.The Deputy Registrar of Cooperative Societies,
The Collectorate Building,
Sivagangai,
Sivagangai District.**

**... Respondents 1 to 3 / Respondents
1 to 3**

4.Reena

... 4th Respondent / Writ Petitioner



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PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 26.07.2024 made in W.P.(MD)No. 21614 of 2021 on the file of this Court and allow the writ appeal.

For Appellant : Mr.P.R.Prithiviraj

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader
for R1 to R3

: Mr.P.Venkata Subramanian
for R4

ORDER

(Order of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard both sides.

2. The appellant Gurusekar got married to the writ petitioner Reena on 1.11.2006. In fact, it was second innings for the appellant. It appears that the marital relationship between the appellant and the said Reena also came under strain. The appellant was working as Co-operative Sub Registrar. Reena filed W.P.(MD)No.21614 of 2021 for directing the employer not to delete her name in the service book of the appellant as



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nominee. The learned single Judge disposed of the writ petition vide order dated 26.07.2024 in the following terms:-

“6. In view of the limited scope of the relief sought for by the petitioner herein and considering the plight of the deserted wife with a single child, who is living separately from the fourth respondent, this Court is of the considered view that the petitioner's representation should be considered positively by the second respondent. Accordingly, the respondents 1 to 3 are directed not to remove the petitioner's name from the fourth respondent's service Register Book.”

Challenging the same, the appellant who had retired on 30.06.2023 has filed this writ appeal.

3. In one sense, the matter has become infructuous. But we have to clarify that it is open to the employee concerned to nominate any person as his nominee to receive the benefits. It is not open to the writ Court or the employer to compel the employee to name a particular person as his nominee. To this extent, we have to interfere with the order of the learned single Judge. So long as Reena's status continues as that of the wife, her rights stand protected. Even a nominee cannot appropriate for himself or herself what is disbursed. A nominee is in the position of a trustee.



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4. With these observations, the order impugned in the writ appeal is modified. The writ appeal is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S., J.) (K.R.S., J.)
23.06.2025

rmi

Index : Yes / No

Internet : Yes / No

NCC : Yes / No

rmi

To

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