

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2015

CORAM:

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

Writ Petition No.19527 of 2015

1.Thirupurasundari
2.R.Balakrishnan

...Petitioners

vs.

The Registrar,
University of Madras,
University Building,
Chepauk, Chennai - 600 005.

...Respondent

Petition filed under Article 226 of the Constitution of India for the issuance of writ of mandamus, directing the respondent to pay retirement benefits and other benefits and other statutory dues payable to them to Mr.D.Rajarathnam, Employee No.10386 to the petitioners.

For Petitioners : Mr.A.Thiagarajan

For Respondent : Mr.R.Vijayakumar

O R D E R

The first petitioner's husband joined the service of the respondent on 24.12.1983 and his Employee Number is 10386. He was made permanent on 25.12.1985. While, he was working as Assistant Section Officer in the respondent University, he suddenly disappeared from home on 08.05.2002. Thereafter, a Police complaint was given on 27.05.2002 and the said complaint was registered as Crime No.21 of 2003 on the file of N3 Muthialpet Police Station for "man missing". A publication was also given in the tamil daily on 12.02.2003 in this regard informing the public to trace the person and hand over him to the family.

2. According to the petitioners, inspite of all efforts taken by them, the said Rajarathnam could not be traced. The Police gave a certificate dated 06.01.2004 stating that the husband of the first petitioner was not traceable. In these circumstances, the petitioners filed a suit in O.S.No.1575 of 2014 seeking for a declaration, declaring Mr.D.Rajarathnam deemed to be attained

civil death on 08.05.2002.

3. By a judgment and decree dated 08.10.2014, the XVI Assistant City Civil Court, declared that Mr.D.Rajaratnam deemed to be attained civil death on 08.05.2002. Based on the said decree, a representation was sent by the first petitioner on 26.02.2015 to the respondent University to pay the terminal benefits. Since no order is passed, the petitioners have come up with the present writ petition, seeking for a direction to the respondent to pay retirement benefits and other benefits.

4. When the matter is taken up for hearing, the learned counsel for the petitioners submitted that the petitioners would be satisfied in case a direction is issued to the respondent to dispose of the representation dated 26.02.2015, claiming retirement benefits.

5. In view of the narrow prayer now made, the writ petition is disposed of by directing the respondent to consider and pass orders on the representation of the petitioner dated 26.02.2015 on merits and as per law and in the light of the judgment of the civil court dated 08.10.2014 referred to above, within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

svki

To

The Registrar,
University of Madras,
University Building,
Chepauk, Chennai - 600 005.

1 CC to Mr.A.Thiagarajan, Advocate SR.No. 33238

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KM (CO)
PSI (23.07.2015)