

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2015

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.36436 of 2015

L.S.Lakshmi

... Petitioner

Vs.

1. The Corporation of Chennai
Rep by its Commissioner,
Rippon Building,
Chennai-600 003.

2. The Zonal Officer,
Zone-VI
Corporation of Chennai
Ayanavaram,
Chennai-600 023.

3. State of Tamil Nadu
Rep. by its Secretary,
Municipal Administration
and Water Supply Department,
Fort St. George,
Chennai-600 009.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pay the gratuity, Family Pension Arrears, Family pension, G.P.F. Surrender Leave, after complaining 2 years Man Missing petitioner husband.

For Petitioner : Ms.N.Beulah John Selvaraj

For Respondents : Mr.Anandharangan (R1 and R2)
Mrs.ME.Rani Selvam (R3)
Additional Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The case of the petitioner is that her husband Santhakumar was employed as a sweeper in the Corporation of Chennai and he was missing from 04.06.2012 onwards. Hence, the petitioner lodged a complaint to the Sub-Inspector of Police, G3, Kilpauk Police Station, Chennai on 12.09.2012 and the case was registered in Crime No.904 of 2012. The Inspector of Police G3 police Station issued a Not Traceable Certificate on 22.01.2015.

3. The petitioner would state that as per Rule 49-A of the Tamil Nadu Pension Rules 1978, when a Government servant disappears leaving behind his family members, the family of the Government servant shall be entitled for payment of dues of salary, leave encashment, General Provident Fund, Special Family Pension-cum-Gratuity after lapse of two years of such disappearance. Despite petitioner's representation dated 28.09.2015, the respondents have not paid the amount, hence the present writ petition.

4. Heard the submissions of Ms.N.Beulah Selvaraj, learned counsel appearing for the petitioner, Mr.Anandharangan learned counsel for the respondents 1 and 2 and Mrs.ME.Raniselvam, learned Additional Government Pleader who accepts notice on behalf of the respondents.

5. Learned Counsel for the petitioner would state that the petitioner has produced the relevant records to the respondents and even after receipt of the representation of the petitioner dated 28.09.2015, the second respondent has not passed any orders so far.

6.Though the petitioner prayed for a larger relief, this Court taking into consideration the facts and circumstances of the case, directs the second respondent to consider and dispose of the representation of the petitioner dated 28.09.2015, in the light of Rule 49-A of the Tamil Nadu pension Rules, 1978 on merits and in accordance with law, and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision to the petitioner.

9.The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner,
Corporation of Chennai
Rippon Building,
Chennai-600 003.
2. The Zonal Officer,
Zone-VI
Corporation of Chennai
Ayanavaram,
Chennai-600 023.
3. The Secretary to the Government of Tamil Nadu,
Municipal Administration
and Water Supply Department,
Fort St. George,
Chennai-600 009.

+1cc to Ms.N.Beulah John Selvaraj, Advocate, S.R.No.62424
+1cc to Mr.Anandharangan, Advocate, S.R.No.61976
+1cc to the Government Pleader, S.R.No.62023

सत्यमेव जयते

W.P.No.36436 of 2015

KSJ(CO)
CA(15/12/2015)

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