

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

-

WRIT PETITION No.14307 of 2016

ORDER:

Petitioner No.1 is the wife and petitioner No.2 is the son of one M.Veera Mallikarjuna Rao, who was an employee of the respondent Corporation. He was working as Record Clerk. While working as such, he left the house on 17.12.2008 for attending his duties, but he did not return to home. The petitioners lodged a complaint with the Chilakalapudi Police Station, which was registered as FIR No.192/2009 on 21.09.2009. The police filed a final report stating that the person could not be traced. Petitioner No.1 submitted a representation for settlement of death benefits and also providing employment to petitioner No.2, who is her son. The provisional pension was sanctioned in favour of petitioner No.1. However, for settlement of total terminal benefits and providing employment on compassionate grounds, proceedings were issued on 24.02.2016 advising petitioner No.1 to obtain a decree from the competent Court declaring that the whereabouts of the husband of petitioner No.1 are not found for the last seven years. In those circumstances, challenging the action of respondent in directing the petitioners to obtain a decree from the competent Court, the present writ petition was filed.

A counter affidavit is filed stating that the said Veera Mallikarjuna Rao was unauthorizedly absent from 18.12.2008 and he did not report for duty in spite of several reminders. A charge sheet was issued on 13.07.2009 for his unauthorized absence and petitioner No.1 acknowledged the same. An *ex parte* enquiry was

conducted wherein the unauthorized absence of the husband of petitioner No.1 was established. In the meanwhile, a communication was received on 21.09.2009 from petitioner No.1 stating that she lodged a complaint with Chilakalapudi Police Station on 21.09.2009, which was registered as FIR No.192/2009.

The Circular dated 11.07.2012 deals with payment of family pension in case of employee's sudden disappearance and not knowing the whereabouts. Based on the said Circular, the family pension was settled. However, for settlement of other death benefits the petitioner was advised to obtain a decree from the competent Court. The facts of said Circular were brought to the notice of petitioners on 15.09.2012 and the respondents are not the competent authority for coming to the conclusion that the husband of petitioner No.1 was missing for more than seven years. The respondents settled the family pension of petitioner No.1 based on the Circular dated 11.07.2012. In order to conclusively establish the missing of husband of petitioner No.1 stating that his whereabouts are not known for more than seven years, respondents cannot take a decision and they wanted a decree from the competent Court. Such insistence of a decree cannot be held to be irregular.

In the above circumstances, this Writ Petition is dismissed. No order as to costs. However, it is open to the petitioner to take appropriate proceedings in accordance with law.

Miscellaneous Petitions pending, if any, shall stand closed.

A.RAMALINGESWARA RAO, J

22.08.2016

MVA