

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.07.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.12414 of 2017

G.V.Santhi

.. Petitioner

Vs

1. The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Chennai 600 003.
2. The Zonal Officer,
New Zone V,
Rippon Building,
Basin Bridge,
Chennai 600 079.
3. The Secretary to Government,
Municipal Administration,
Water Supply Department,
Govt. of Tamil Nadu,
Fort St.George,
Chennai 600 009.

...Respondents

Prayer: Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus directing the respondents to dispose the representation 27.02.2017 and pay the Gratuity, Family Pension Arrears, Family Pension, G.P.F. Surrender Leave after completing 2 years Man Missing petitioner husband.

For Petitioner : Mr.N.Beulah John Selvaraj
For Respondents : Mr.G.Anantha Rangan for RR1 & 2
: Mr.J.H.Iniyan,
Government Advocate for R3

ORDER

The grievance of the writ petitioner is that the Gratuity, Family Pension arrears, Family Pension and other terminal benefits of the husband of the petitioner has not been settled.

2.The facts leading to this writ petition is that the husband of the writ petitioner was employed as a sanitary worker in Greater Chennai Corporation. The husband of the writ petitioner was found missing on 9th March 1994, more specifically, he went to the office to attend his duties and had not returned home.

3.The writ petitioner who is none other than the wife of the employee, filed a complaint before the Royapuram Police Station on 19.03.1994 but no action was taken to find the missing employee. Subsequently, a paper publication had also been effected on 16th January 2006 and an F.I.R. was registered on 28th November 2007.

4.The husband of the writ petitioner was unable to be traced even after police investigation and a certificate of non traceable was issued on 3rd February 2014. Therefore, it is to be presumed that the employee is not traceable after completion of seven years.

5.The legal heir is none other than the wife of the missed employee, who is entitled to get all the terminal and other benefits as per the rules.

6.In this regard, the petitioner made a representation to the respondents on 27th February 2017. Accordingly, the respondents are directed to consider the representation of the writ petitioner on merits and in accordance with law and pass orders within a period of 8 weeks from the date of receipt of a copy of this order.

7.The writ petitioner is directed to enclose all the documents relating to the developments along with the copy of the representation to the respondents.

8.With the above direction, the writ petition stands disposed of. No order as to costs.

s/d-

Assistant Registrar(CS-VIII)

True Copy

Sub-Assistant Registrar

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To

1. The Commissioner,
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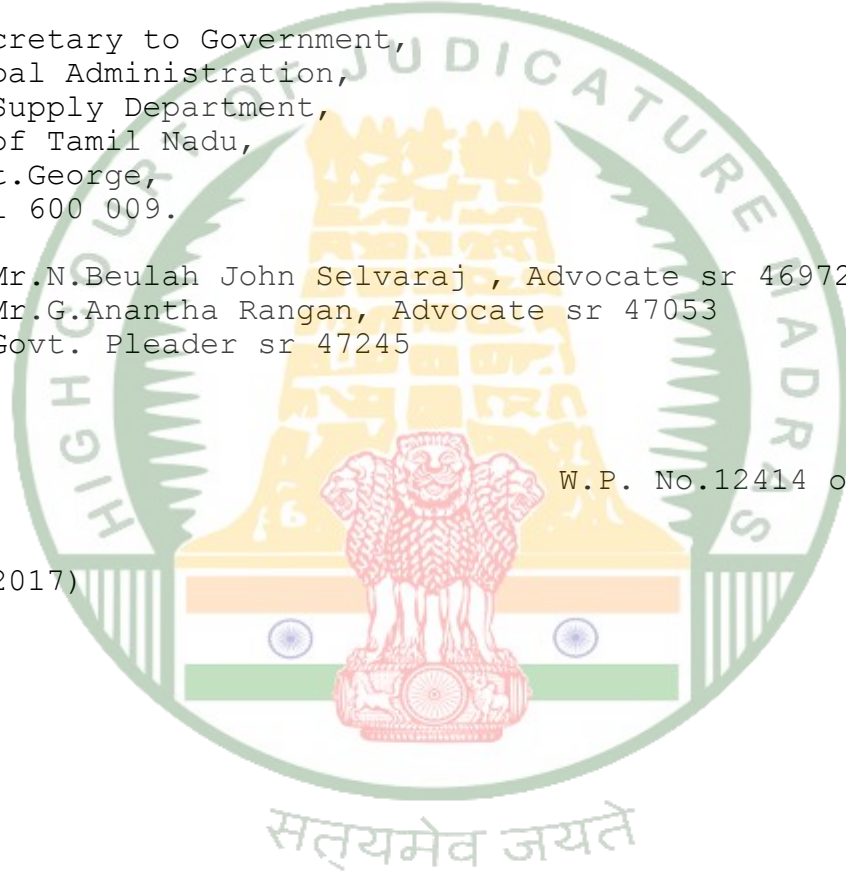
+1 CC to Mr.N.Beulah John Selvaraj , Advocate sr 46972

+1 CC to Mr.G.Anantha Rangan, Advocate sr 47053

+1 CC to Govt. Pleader sr 47245

W.P. No.12414 of 2017

RK(CO)
sp(19/07/2017)



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