

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2018

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THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.31718 of 2018

Samaruth Begum

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Petitioner

Vs

1.The Director General of Police
Office of the Director General of Police
Santhome High Road, Chennai-600 004.

2.The Deputy Director General of Police
Office of the Deputy Director General of
Police, Villupuram Range, Villupuram District.

3.The Superintendent of Police
District Police Office, Cuddalore District.

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Respondents

For Petitioner : Mr.P.Ganesan
For Respondent : Mr.A.N.Thambidurai
Special Government Pleader

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondents to disburse all terminal benefits to the petitioner as per G.O.Ms.No.478, Financial Pension Department dated 04.06.1987 within a time to be specified by the Honourable Court by considering the representation dated 16.11.2017.

ORDER

The petitioner's husband was working in the Police Department and went missing since 2009. The petitioner gave a police complaint in Crime No.553 of 2011 to trace him. However, the whereabouts of the petitioner's husband could not be located till date.

2. The petitioner has approached the respondents to disburse the terminal benefits of her husband by way of a representation dated 16.11.2017, which has not been considered. Therefore, the petitioner has filed the present writ petition.

3. The petitioner relies on G.O.Ms.No.478, Finance (Pension) Department dated 04.06.1987, which provides as follows,

“When employee disappears leaving his family, the family can be **paid in the first instance**, the amount of salary due, leave encashment due and the amount of General Provident Fund, having regard to the nomination made by the employee, **after the elapse of a period of one year**, other benefits both Death-cum-Retirement Gratuity / Family pension may also be granted to the family. The above benefits may be sanctioned by the Administrative department of the Secretariat after observing the following formalities; The family must lodge a report with the concerned police station and obtain a report that the employee has not been traced after all efforts had been made by the police. An indemnity bond should be taken from the nominee / dependants of the employees that all payments will be adjusted against the payments due to the employee in case he appears on the scene and makes any claim. The Government also directs that in case the disbursement of Death-cum-Retirement-Gratuity is not offered within 3 months from the date of application, interest will be paid at the rates applicable and responsibility for the delay fixed.

4. Learned counsel for the petitioner pointed out Rule 49A of the Tamil Nadu Pension Rules, 1978 providing for the procedure to be followed in case of persons who disappeared while in service and the formalities to be complied with while sanctioning the terminal benefits of such persons.

5. Mr.A.N.Thambidurai, learned Special Government Pleader takes notice for the respondents.

6. In view of the limited relief sought for, this writ petition is disposed of directing the respondents to consider the representation of the petitioner dated 16.11.2017 in a appropriate perspective and in the light of G.O.Ms.No.478, Finance (Pension) Department dated 04.06.1987 as well as Rule 49A of the Tamil Nadu Pension Rules, 1978, and pass orders thereon, in accordance with law, within a period of two months from the date of receipt of a copy of this order. No costs. Consequently,

03-12-2018

kst

To

- 1.The Director General of Police
Office of the Director General of Police
Santhome High Road, Chennai-600 004.
- 2.The Deputy Director General of Police
Office of the Deputy Director General of
Police, Villupuram Range, Villupuram District.
- 3.The Superintendent of Police
District Police Office, Cuddalore District.



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DR.S.VIMALA, J.

kst



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