



W.P.No.9300 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.9300 of 2022

1. V.Shanmugham
2. V.Balaji
3. Shanthi Ponganesan

... Petitioners

-Vs-

1. The Chief Secretary,
Namakkal Kavignar Maaligai,
Fort St., George, Chennai-600 009.
2. The Commissioner,
Corporation of Chennai,
Ripon Building, Greater Chennai,
Chennai-600 003.
3. The Executive Engineer,
Central Asphlt Plant, Chetpet,
Chennai-600 031.
4. Pay Account and Accounts Office,
(south) 485, Anna Salai, Nandanam,
Chennai.600 035.

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India praying for the issuance of Writ of Mandamus, directing the respondents to release Death and Terminal Benefits of the petitioners' father from the date of death 13.01.1990.

For Petitioner : Mr.M.Krishnamurthy



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For Respondent 1 : Dr.T.Seenivasan
Special Government Pleader
For Respondent 2 : Mr.S.Gopinathan,
Standing Counsel

ORDER

This writ petition has been filed for direction directing the respondents to release Death and Terminal Benefits of the petitioners' father from the date of death 13.01.1990.

2. The petitioners' father was employed as Cleaner under the 3rd respondent. However, he was missing from 10.01.1990. His whereabouts not known. Their father was also failed to report duty. The petitioners lodged complaint and the same was registered in Crime No.255 of 1990. Only in the year 2003 they filed suit in O.S.No.818 of 2003 for declaration declaring their father died. It was decreed by judgment and decree dated 08.10.2003 thereby their father seems to be dead. On the strength of the same, they have obtained death certificate and legal heir certificate. After having been obtained they kept mum till 2019. The petitioners submitted representation on 21.10.2019 thereby seeking death cum terminal benefits of their late father.



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3. On instructions, the learned counsel for the respondents submitted that no records are available. Office of the 3rd respondent is dismantled and no office is running in the said scheme.

4. That apart, the petitioners claimed benefits after a period of 16 years from the date of the decree and judgment. There is no proof to show that his father was employed in the permanent post and his post was regularized or not. Therefore, the representation submitted by the petitioners cannot be considered.

5. Hence, this writ petition is devoid of merits and liable to be dismissed. Accordingly, this Writ Petition is dismissed. No costs.

30.01.2024

Internet : Yes
Index : Yes/No
Speaking order/Non-speaking order
gvn



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G.K.ILANTHIRAIYAN, J.

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To

- 1.The Additional Chief Secretary to Government,
Home, Police VI Department,
Fort St. George, Chennai - 600 009.
- 2.The Director General of Police,
Tamil Nadu, Chennai - 600 004.
- 3.The Deputy Inspector General of Police,
Tiruchirappalli Range, Trichy.
- 4.The Superintendent of Police,
District Police Office, Karur.

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