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W.P.No.10968 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.10968 of 2022

Poneyammal

...Petitioner

-Vs-

1. The Commissioner of Corporation,
Grater Chennai.

2. The Zonal Officer,
Zone – 9, Nungambakkam,
Chennai – 34.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamum, directing the respondents for appropriate direction to the application dated 21.09.2020 & 17.12.2021.

For Petitioner : Mr.K.Gajendiran

For Respondents : Mr.S.Gopinathan
Standing Counsel



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ORDER

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The writ petition has been filed for direction to direct the respondents to consider the application submitted by the petitioner for retirement benefits of her husband and seeking suitable job to her family member on compassionate ground.

2. Heard the learned counsel appearing on either side and perused the materials produced before this Court.

3. The petitioner's husband was working as Driver in the respondents corporation. He was missing from 29.08.2013 and his whereabouts not known. In this regard, the petitioner's son lodged complaint on 09.03.2013, before the Inspector of Police, G5 Secretariat Police Station, Kilpauck, Chennai and the same was registered in Crime No.745 of 2013. Thereafter, the petitioner obtained non-traceable certificate on 18.01.2021 and submitted application for terminal benefits and also seeking appointment on compassionate ground to her any one of her family member.



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4. On missing of the petitioner's husband, FIR has been registered under man missing. However, the police cannot give any non-traceable certificate for human being. It can be given only for objects. Therefore, on production of non-traceable certificate, the petitioner cannot claim any death benefits of her husband. The petitioner ought to have file suit for declaration for declaring that her husband died, since for the past seven years his whereabouts not known. Therefore, the representation of the petitioner cannot be considered and the writ petition is devoid of merits and liable to be dismissed.

5. Accordingly, the Writ Petition stands dismissed. There shall be no orders as to costs.

02.01.2024

Internet : Yes

Index : Yes/No

Speaking/Non Speaking order

rts



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G.K.ILANTHIRAIYAN. J.

rts

To

1. The Commissioner of Corporation,
Grater Chennai.
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