



WEB COPY

WP No. 17618 of 2018



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-03-2025

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

WP No. 17618 of 2018

1. Mrs.Rukmani,
W/o.P.Kumar@Indhirakumar, residing
at No.20/149, South Redhills Road,
Villivakkam, Chennai-49.

Petitioner(s)

Vs

1. The Managing Director,
Tamil Nadu Water and Drainage Board,
No.31, Kamarajar Salai, chepauk,
Chennai-5.

2.The Executive Engineer,
Zone 24, Poonamallee, Chennai.

3.The Executive Engineer,
Tamil Nadu Water and Drainage Board,
Mechanical Division, Trichy.

4.The Executive Engineer,
Tamil Nadu Water And Drainage Board,
Village Water Plant Zone, Vellore.

Respondent(s)



PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus to direct the respondents to disburse the benefits of the petitioners husband worked under the respondents as driver, based upon the representation given by the petitioner dated 05.06.2017

For Petitioner(s): M/s.A.Manojkumar

For Respondent(s): M/s.S.Silambanan
Senior Counsel
Assisted by Ms.Megala

ORDER

This writ petition has been filed to direct the respondents to disburse the benefits of the petitioner's husband who worked under the respondents as driver, based upon the representation given by the petitioner dated 05.06.2017.

2. Mr.A.Manojkumar, the learned counsel for the petitioner, submitted that the petitioner's husband P.Kumar was employed as Lorry Driver with the first respondent on 01.07.1970 and thereafter he worked with the respondents 2 and 3 as Driver. The petitioner's husband found missing all of a sudden from 25.02.1997 onwards. After searching him at several places, the petitioner had given a complaint before the Villiavakkam Police station on 11.7.1997, and FIR



has been registered in Cr.No.1026/1997. As the petitioner's husband was not traceable, the police has issued an non-traceable certificate on 11.10.2016.

3. The petitioner has made a representation basing on the non-traceable certificate, claiming the terminal benefits of her husband who was working as Driver with the respondents.

4. Ms.Megala, the learned Standing Counsel for the respondents, submitted that unless the petitioner produces a death certificate or decree of the Court declaring the death of the petitioner, it is not possible and disburse the terminal benefits of her husband.

5. Even according to the petitioner, her husband was found missing and he was not traceable. So the petitioner cannot produce a death certificate by declaring that her husband is no more. It is obligatory on the part of the petitioner to file a suit for declaration to declare that her husband is not found for more than seven year and that he should be declared to be dead and



thereafter, produce a decree to the respondents in order to enable them to process the disbursal of the terminal benefits payable to her husband. Unless the petitioner could produce the said proof, no direction can be issued to the petitioner to disburse the terminal benefits.

6. With the above observation, this writ petition is disposed. No costs.

28-03-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

bkn



To
WEB COPY

1.The Managing Director,
Tamil Nadu Water and Drainage Board,
No.31, Kamarajar Salai, chepauk,
Chennai-5.

2.The Executive Engineer,
Zone 24, Poonamallee, Chennai.

3.The Executive Engineer,
Tamil Nadu Water and Drainage Board,
Mechanical Division, Trichy.

4.The Executive Engineer,
Tamil Nadu Water And Drainage Board,
Village Water Plant Zone, Vellore.



WEB COPY

WP No. 17618 of 2018



R.N.MANJULA J.

bkn

WP No. 17618 of 2018

28-03-2025