

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2015

CORAM

THE HONOURABLE MR.JUSTICE V.RAMASUBRAMANIAN

Writ Petition Nos.34934 & 34935 of 2006 (T)
(OA.Nos.376 and 377/1996)

V.Andiappan

.. Petitioner in
both W.Ps.

Vs.

1.State of Tamil Nadu
rep. by the Secretary to Government
P&AR Department
Fort St. George
Madras 9.

.. Respondent in
W.P.No.34934/06

2.State of Tamil Nadu
rep. by the Secretary to Government
Rural Development and Local
Administration Department
Fort St. George, Madras 9.

3.The Director of Town Panchayats
Kuralagam, Madras 108.

4.The District Collector
Salem District.

.. Respondents in
W.P.No.34935/06

These Writ petitions came to be numbered under Article 226 of the Constitution of India by way of transfer of OA.Nos.376 & 377/96 from the file of the Tamilnadu Administrative Tribunal, Madras with a prayer to issue a WP.No.34934/2006.

(i) W.P.No.34934 of 2006 - Writ of Declaration to declare as unconstitutional and contrary to statutory rules, the following portions in G.O.Ms.No.368, P&AR dated 18.10.1993 as subsequently amended by letter No.90586 P&AR dated 17.5.1995 namely, (a) Para 2 II (iv)(i) "In cases where specific charges have been framed... promotion/appointment of such persons shall be deferred till the proceedings are concluded", and (b) Para 2 II(iv)(4): Wherever the disciplinary proceedings under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, against Government employees are merely stayed by Court/ Tribunal, their cases shall be deferred till the proceedings are considered" and the provisions incidental and ancillary and consequential to the above portions in the above

G.O. and direct the respondents to act in confirming with General Rule 39(d) and in accordance with the law laid down by the Supreme Court in respect of obedience of interim orders; and

(ii) W.P.No.34935 of 2006 - Writ of mandamus to direct the respondents to include the name of the petitioner in the panel for promotion to the post of Executive Officer Special Grade (Town Panchayats) for the year 1994 issued by the second respondent in Roc.No.5659/93/A3 dated 27.6.1994 according to the feeder category seniority of the petitioner in the post of Executive Officer Selection Grade (Town Panchayats) and direct the respondents to promote and appoint the applicant as Executive Officer, Special Grade (Town Panchayat) from the date on which his juniors were appointed in the above post with all service and monetary benefits.

For Petitioner in both WPs : Mr.S.Vadivelu

For Respondent in both WPs : Mr.K.Balakrishnan, Addl.G.P.

O R D E R

It is reported by the learned counsel for the petitioner that the petitioner has died and that nothing survives. Therefore, the writ petitions are closed as infructuous. No costs.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

To

1. The Secretary to Government of Tamilnadu, P&AR Department, Fort St. George, Madras 9.
2. The Secretary to Government of Tamilnadu, Rural Development and Local Administration Department Fort St. George, Madras 9.
3. The Director of Town Panchayats, Kuralagam, Madras 108.
4. The District Collector, Salem District.

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W.P.Nos.34934 & 34935 of 2006.