

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR

and

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.A.No.1150 of 2011

and M.P.No.1 of 2015

The Director of Co-operative Audit
Chepauk,
Chennai - 600 005

.. Appellant

versus

R.Kasi

.. Respondent

Writ Appeal filed against the order dated 10.06.2010 in
W.P.No.13843 of 2006.

This writ petition came to be numbered under Article 226 of the
Constitution of India by way of transfer of O.A.No.7741 of 1998 from
the file of Tamil Nadu Administrative Tribunal, to call for the
records pertaining to order bearing ROC.NO.20925/98, P.A-2, DATED
20.07.1998 of the respondent and to quash the same and with all
consequently benefits.

For Appellant : Mr.T.M.Pappiah
Special Government Pleader

For Respondent : Mr.V.Sudhakar

JUDGMENT

(Order of the Court was made by S.MANIKUMAR, J.)

Material on record discloses that sole respondent (deceased) had
filed O.A.No.7741 of 1998 on the file of the Tamilnadu Administrative
Tribunal, Madras to quash the order dated 20.07.1998 of the Director
of Co-operative Audit, Chennai. Original Application has been
transmitted and renumbered as W.P.No.13843 of 2006.

2. On contest, vide order dated 10.06.2010, writ Court directed
the appellant to consider the case of the respondent for promotion
to the post of Assistant Director of Co-operative Audit for the year
1997-98. By the time, when the writ petition was disposed of on

10.06.2010, respondent had already retired from service on 13.06.1999. Writ Court has directed the appellant to consider the case of the respondent on the basis of a decision of the Hon'ble Division Bench in W.A.No.1010 of 2007 dated 04.01.2010, within a period of four months from the date of receipt of a copy of the order made in the writ petition.

3. Material on record discloses that pursuant to the directions stated supra, the Director of Cooperative Audit, Chennai, the appellant herein has passed an order in R.C.No.9128/2009/P.A-2 dated 27.10.2010, rejecting the case of the respondent (Since deceased) for promotion to the post of Assistant Director of Cooperative Audit, on the grounds inter alia that there was a charge pending under Section 17-(b) of the Tamilnadu Civil Services (Disciplinary and Appeal) Rules, on the crucial date of the panel for the year 1997-98 and that the respondent suffered a punishment of stoppage of increments for three months after the crucial date, but before actual promotion, which was held against him. After issuance of the order dated 27.10.2010, instant writ appeal has been filed on 31.03.2011. Taking note of the subsequent order, we fail to understand as to why filing of the writ appeal was necessitated when the directions issued in W.P.No.13843 of 2006 dated 10.06.2010, have been complied with.

4. Further, pending appeal, the sole respondent, died and therefore, M.P.No.1 of 2015 in W.A.No.1150 of 2011 has been filed for substitution of legal representatives of the deceased sole respondent.

5. As orders dated 27.10.2010, had already been passed, we are of the view that instant writ appeal is unnecessary. Accordingly, the writ appeal is dismissed. No costs. Consequently, M.P.No.1 of 2015 filed for substitution is also dismissed.

-sd/-

Assistant Registrar

/ TRUE COPY /

सत्यमेव जयते
Sub-Assistant Registrar

ars

To
The Director of Co-Operative Audit,
Chepauk, Chennai- 600 005

+1 cc to the Government Pleader SR.NO. 72630

W.A.No.1150 of 2011
and M.P.No.1 of 2015

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RD 03/01/2017