

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2017

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P.Nos.9026 of 2007 and 407 of 2010

Smt.D.Santha Kumari

...

Petitioner in both WPs

Vs.

1. The District Adi Dravidar & Tribal Welfare Officer,
Villupuram, Villupuram District.
2. The Special Tashildar,
Adi Dravidar & Tribal Welfare, Tindivanam,
Villupuram District. Respondents in both WPs
3. The Director of Adi Dravidar Welfare,
Chennai - 5.
4. The Secretary to Government of Tamil Nadu,
School Education Department,
Fort St. George, Chennai - 9.

.... Respondents in W.P.No.9026/07

PRAYER IN W.P.No.9026/07: Writ Petition filed under Article 226 of Constitution of India praying to issue Writ of certiorari to call for the records in G.O.Ms.No.185, Education Department, dated 16.12.2002, of the fourth respondent herein and quash the same.

PRAYER IN W.P.No.407/10: Writ Petitions filed under Article 226 of Constitution of India praying to issue Writ of mandamus to direct the respondents to release the petitioner's gratuity as per the Accountant General (A&E), Tamil Nadu, Chennai, Letter No.P09/5/S158-1018/RTD-2008-2009/10683, dated 24.01.2009.

For Petitioner : No Appearance

For Respondents : Mr.R.Vijayakumar, AGP

COMMON ORDER

Read this in conjunction with and in continuation of earlier proceedings of this Court dated 07.07.2017 and 25.07.2017. Proceeding dated 07.07.2017 reads as follows:

"There is no representation for the writ petitioner when the matter was called.

2 To be noted, there are four respondents in W.P.No.9026 of 2007 and two respondents in W.P.No.407 of 2010. All the respondents are official respondents. Mr.P.Sanjay Gandhi, learned Additional Government Pleader is present on behalf of all the respondents.

3 The writ petitioner retired as Headmaster in a Primary (ADW) School, Thennalapakkam, Tindivanam Taluk, Villupuram District.

4 Broadly, in W.P.No.9026 of 2007, G.O.Ms.No.185, Education Department dated 16.12.2002, which according to the writ petitioner impinges upon and impacts her rights qua remuneration for services rendered, has been called in question.

4 It is seen from the averments in W.P.No.407 of 2010 that the writ petitioner has been paid all her retirement benefits, except gratuity. W.P.No.407 of 2010 is for a mandamus regarding payment of gratuity.

5 It is seen that the writ petitioner has obtained an interim order of stay dated 12.3.2007, staying the operation of impugned G.O.Ms.No.185 dated 16.12.2002. A vacate stay petition had also been filed. This court by order dated 14.12.2007 has made the interim stay absolute and dismissed the vacate stay petition vide M.P.Nos.2 and 4 of 2007 in W.P.No.9026 of 2007.

6 As stated supra, there is no representation for the petitioner today, but considering the facts and circumstances of this case, I am not proceeding to pass orders

on writs today in the absence of the counsel for writ petitioner. The Registry is directed to list the writ petitions under the caption 'for dismissal' whenever the matter is next listed. Post the writ petitions in due course."

2. Proceeding dated 25.07.2017 reads as follows:

"Read this in conjunction with earlier proceedings of this court dated 7.7.2017.

2 The matter appears under the caption "for dismissal" today.

3 Learned counsel for the writ petitioner was not present in the last hearing on 7.7.2017.

4 Today, it is the turn of Government Pleader's office. There is no representation for the respondents.

5 Learned counsel for the writ petitioner is also not ready with the matter. Learned counsel Mr.S.Ravichandran, seeks two weeks time to argue the matter.

6 Such state of affairs on the side of both the writ petitioner as well as respondents is not desirable at all. However, considering the nature of the matter, the matter is adjourned by two weeks. Remove the caption "for dismissal". Post the matter on 9.8.2017."

3. Today also, there was no representation in the forenoon session for the writ petitioner. However, Mr.R.Vijayakumar, learned Additional Government Pleader represented for the respondents.

4. The matter was passed-over and called after lunch. Post lunch session also, there was no representation for the writ petitioner i.e. no representation in the second call too.

5. Though in the normal course, I would have proceeded to pass orders on writ on the available records, considering the nature of the matter and in light of the earlier recorded proceedings of this Court extracted supra, I am inclined to

dismiss both the writ petitions for default/non-prosecution. Accordingly, both the writ petitions are dismissed for default/non-prosecution. No Costs.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

rkm

To

1. The District Adi Dravidar & Tribal Welfare Officer, Villupuram, Villupuram District.
2. The Special Tashildar, Adi Dravidar & Tribal Welfare, Tindivanam, Villupuram District.
3. The Director of Adi Dravidar Welfare, Chennai - 5.
4. The Secretary to Government of Tamil Nadu, School Education Department, Fort St. George, Chennai - 9.

W.P.Nos.9026 of
2007 and 407 of 2010

AR(IV)
VR(21/09/2017)

सत्यमेव जयते

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