



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE **K.K.SASIDHARAN**
AND
THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.A. (MD) No. 646 of 2013

J.Rajeswari

.. Appellant

Vs.

1. The District Collector,
Collectorate,
Madurai - 625 020.

2. The Commissioner,
Thirumangalam Panchayat Union,
Thirumangalam - 625 706.

.. Respondents

PRAYER: Writ Appeal filed under clause 15 of Letters Patent, to set aside the order dated 04.02.2013 passed in W.P.(MD) No.2111 of 2011 on the file of this Court by allowing this writ appeal and to grant such other relief or reliefs that this Court may deem fit and proper in the circumstances of the case.

Prayer in WP(MD). 2111/ 2011 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF CERTIORARIFIED MANDAMUS calling for the records relating to the proceedings in Rc.No.87013/2009/NMS.1 dated 15-10-2010 on the file of the first Respondent herein and to quash the same and direct the Respondents to reinstate the Petitioner with effect from the date of initial appointment with the difference of pay already received by the Petitioner and to continue to pay the salary to the Petitioner at the scale as applicable to the services of the Petitioner from the date of initial appointment within a time frame as may be fixed by this Honourable Court.

For Appellant : Mrs.Jessi Jeeva Priya

For Respondents : Mr.T.S.Mohammed Mohideen
Additional Government Pleader

**ORDER**

[Order of the Court was made by **G.R. SWAMINATHAN, J.**]

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The unsuccessful writ petitioner is on appeal challenging the order dated 04.02.2013 dismissing W.P.(MD) No.2111 of 2011.

2.The case of the appellant / writ petitioner is that she was appointed as Noon Meal Organizer and that she came to be suspended on 22.01.1993. She challenged the said order of suspension by filing W.P.No.9359 of 1993. The said writ petition was disposed of by directing the first respondent herein to complete the enquiry. The writ petitioner continued to remain under suspension. Finally by order dated 17.08.1999, the order of suspension was revoked and the writ petitioner was directed to be posted as Noon Meal Organizer at M.Kallupatti. She joined but went on medical leave. The writ petitioner insisted that she should be posted only at Government Kallar Higher Secondary School, Melaurappanoor.

3.The grievance of the writ petitioner is that she ought not to have been posted in the Panchayat Union Shool at M.Kallupatti. In the meanwhile, recovery orders were also passed calling upon the writ petitioner to remit a sum of Rs.23,695/-.

4.The writ petitioner was informed that she can join duty her after remitting the said sum. There has been exchange of correspondence between the writ petitioner and the Department. She had also filed one more writ petition in the meanwhile. Then, she filed W.P.(MD) No.1449 of 2009 and this Court directed the first respondent herein to dispose of her representation. The first respondent by order dated 13.10.2010 declined to reinstate the writ petitioner. Since the writ petitioner did not make good the loss caused to the Government. Aggrieved by the same, the appellant herein filed W.P.(MD) No.2111 of 2011. The learned Judge by order dated 04.02.2013 dismissed the writ petition. The present writ appeal has been filed questioning the said order.

5.Heard the learned counsel for the appellant as well as the learned Additional Government Pleader for the respondents.

6.It is now brought to our attention that the writ petitioner had reached the age of superannuation in the year 2015 itself i.e., 31.05.2015. The scope of the present proceedings has therefore become limited. Since the first respondent declined to reinstate the writ petitioner, the present proceedings were terminated. Inasmuch as the appellant had already reached the age of superannuation on 31.05.2015, the cause of action no longer



survives. This writ appeal is therefore liable to be dismissed as infructuous. However, dismissal of this writ appeal will not preclude the writ petitioner from working out her right to receive the other service benefits in the manner known to law.

7. With the above observation the writ appeal is dismissed.
No costs.

Sd/-
Assistant Registrar(crl side)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Collectorate,
Madurai - 625 020.
2. The Commissioner,
Thirumangalam Panchayat Union,
Thirumangalam - 625 706.

+1cc to Mrs.Jessi Jeeva Priya, Advocate Sr.No.71593
+1cc to Mr.T.S.Mohammed Mohideen, Advocate Sr.No.71522

MM

VB/SKN/RSK/SAR2/19/12/2017/3P/5C

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