

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2018

CORAM

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P.No.19273 of 2003
and
W.M.P.No.24085 of 2003

T.Selvarajan

...Petitioner

Vs.

Metropolitan Transport Corporation Ltd.,
Rep by its General Manager (Administration)
Pallavan Salai
Chennai - 600 002.

.... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus after calling for the records pertaining to the order in Se.Mu.Aanai No.5634/Sa.Pi (O.Na)2.1/MTC/01, dated 06.03.2003 passed by the respondent directing recovery of Rs.83,500/- from petitioner's salary in installments, quash the same and consequently direct the respondent to pay back the recovered amount to the petitioner with interest, Award costs.

For Petitioner : Mr.V.Ajay Khose
For Respondents : Mr.V.R.Kamalanathan

O R D E R

The petitioner namely, T.Selvarajan who was working as security guard in Metropolitan Transport Corporation (Division-II) Ltd., Chennai has come up with the present writ petition challenging the impugned order dated 06.03.2003 directing recovery of a sum of Rs.83,500/- from his salary on the ground that the respondent Corporation had incurred loss due to his lapses in duty during the period from 01.03.1996 to 23.05.1996.

2.When the matter was listed for hearing today, the learned counsel appearing on behalf of the Metropolitan Transport Corporation Limited, on instructions would submit that the petitioner T.Selvarajan who was working as security guard [Staff No.12290] in Tiruvottiyur depot had died on 02.09.2005, after filing of the writ petition and that his terminal benefits were received by his wife T.Poonarasi and that she is also receiving the family pension.

3.In the aforesaid circumstances, the writ petition stands dismissed as abated. It is however made clear that it would not preclude the legal representative of the deceased petitioner from pursuing appropriate legal remedies for reviving the matter in issue, if they so desire, in the manner recognized by law. Consequently, connected miscellaneous petition is closed. No costs.

s/d-
Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

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To

Metropolitan Transport Corporation Ltd.,
Rep by its General Manager (Administration)
Pallavan Salai
Chennai - 600 002.

+1 CC to Mr.V.R.Kamalanathan, Advocate sr 10463.

W.P.No.19273 of 2003

VBA (CO)
SP (25/04/2018)

सत्यमेव जयते

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