



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.09.2018

CORAM:

THE HONOURABLE Mr. JUSTICE M.M.SUNDRESH
and

THE HONOURABLE Mr. JUSTICE N.SATHISH KUMAR
W.A. (MD) Nos. 968 and 969 of 2018

and

C.M.P. (MD) No. 6476 & 6764 of 2018

W.A. (MD) No. 968 of 2018:

1. The District Collector,
Tirunelveli District.

2. The Block Development Officer,
Kuruvikulam Panchayat Union,
Kuruvikulam,
Tirunelveli District.

... Appellants

Vs.

1. K. Kaliammal

2. The District Elementary Educational Officer,
Tirunelveli.

3. The Assistant Elementary Educational Officer,
Kuruvikulam,
Tirunelveli District.

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, against the order passed in W.P.No.7512 of 2006 dated 15.09.2011.

Prayer in WP(MD) No. 7512 of 2006 :

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 of the 2nd respondent in his proceedings Na.Ka.No. 13902/a5/2004 dated -06-2006 and the consequential order of the third respondent in his proceedings A1-32-2005 dated 19/07/2006, quashes the same and direct the respondents to settle the balance benefits to the petitioner.

For Appellant : Mrs.S.Srimathy

For Respondents : Mr.M.Saravana Kumar

2 & 3

**W.A. (MD) No. 969 of 2018:**

The Block Development Officer,
Kuruvikulam Panchayat Union,
Kuruvikulam- 627 754
Sankarankovil Taluk,
Tirunelveli District.

... Appellant

Vs.

1.A.Gopalasamy

2.The District Elementary Educational Officer,
Tirunelveli.3.The Assistant Elementary Educational Officer,
Kuruvikulam,
Sankarankovil Taluk,
Tirunelveli District.

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent,
against the order passed in W.P.No.5280 of 2006 dated 15.09.2011.

Prayer in WP(MD)No. 5280 of 2006 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records in pursuant to the Impugned order passed by the 1st respondent in Na.Ka.No. 13902/Aa/5/2004 dated 23/06/2006 and quash the same and consequently direct the respondents to permit the petitioner to continue as Head Master in Chitrampatti panchayat Union Elementary School, Kuruvikulam Union, Sankarankovil Taluk, Tirunelveli District till the academic year 2006-2007

For Appellant

: Mrs.S.Srimathy

COMMON JUDGMENT**(Judgment of the Court was delivered by M.M.SUNDRESH,J.)**

W.A.(MD)No.968 of 2018 has been filed against the order dated 15.09.2011 in W.P.(MD)No.7512 of 2006, in which the first respondent namely, K.Kaliammal, is said to be no more.

2.W.A.(MD)No.969 of 2018 has been filed against the order dated 15.09.2011 in W.P.(MD)No.5280 of 2006. The said Writ petition has been filed by the first respondent, who was the Headmaster of the school, has retired from service.

3.The impugned order was passed towards the recovery of the deceased Kaliyammal and in the event of she not paying the same, it will have to be collected from the petitioner in W.P.(MD)No.5280 of 2006.



4.It appears that the said Kaliyammal has died. Therefore, W.A.(MD)No.968 of 2018 stands dismissed as abated.

5.In W.A.(MD)No.969 of 2018 also will have to be dismissed since admittedly, the first respondent has not been put on notice before passing the impugned order. The said order has got civil consequences. However, we note that the legal heirs of the deceased Kaliyammal may not be entitled for any further payment as ordered by the Learned Single Judge. We further note that if the legal heirs of the original person may not be entitled for any consequential benefits, since even the said person did not work after some years according to the appellants. It appears that she also died. Similarly, the legal heirs of the deceased Kaliyammal is the Writ petitioner in W.P.(MD)No.5280 of 2006 may not be entitled as she has worked in the place of original Kaliyammal. We also note that the enquiry itself has been initiated after 3 decades. Therefore, the principles of delay and laches also come into effect.

6.With the above said observation, these Writ Appeals shall stand dismissed. No costs. Consequently, connected C.M.Ps.are closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1.The District Collector,
Tirunelveli District.

2.The Block Development Officer,
Kuruvikulam Panchayat Union,
Kuruvikulam,
Tirunelveli District.

3.The District Elementary Educational Officer,
Tirunelveli.

4.The Assistant Elementary Educational Officer,
Kuruvikulam,
Tirunelveli District.

+1cc to Mr.M.Saravana Kumar, Advocate SR.No.82352

+1cc to The Spl. Government Pleader Sr.No.82786

NBJ

VB/RP/SAR1/04.10.2018/3P/7C

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