

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2019

CORUM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Appeal No.1367 of 2013

S.Subramanian (since deceased)
1. S.Gomathi (deceased)
2. S.Bhuvaneswari
3. S.Srividya
4. S.Rajarajeshwari
5. S.Gayathri

(Appellants 1 to 5 impleaded as per
the order dated 9.11.2010 in
M.P.2/2010 in W.P.5941/2010)

1st appellant died recorded vide order
of the Court dated 04.01.2019 made
in CMP No.23483/2018
in W.A.1367/2013

..... Appellants/Petitioners

Vs

1. The Commissioner,
Tribunal for Disciplinary Proceedings,
No.32, Daniel Thomas Nagar,
Thanjavur-2.
2. The Special Commissioner for Employment
& Training (Employment Wing)
Guindy, Chennai - 600 032.
3. The Secretary,
Tamil Nadu Public Service Commission,
Commercial Taxes Annex Buildings,
No.1, Greems Road, Chennai - 600 006.
4. The Secretary,
Government of Tamil Nadu,
Labour and Employment Department,
Secretariat, Fort St.George,
Chennai - 600 009.

..... Respondents/Respondents

APPEAL filed under Clause 15 of the Letters Patent to set aside the order dated 02.04.2013 made in W.P.No.5941 of 2010.

Prayer in WP.No.5941/2010 : This Writ Petition filed under Article 226 of the Constitution of India, praying to call for the records relating to the impugned G.O.(D)No.568 Labour and Employment (No.1) Department dt 22.10.2009 and passed by the 4th respondent confirming the order dt 22.10.2005 and passed by the 2nd respondent in his ONA1/ 10804/01 and quashing the same and consequently directing the respondents to treat the petitioner on continuous duty giving his due promotion from 1985 and settle all service and monetary benefits due to him.

For Appellants : Mr.C.Johnson

For Respondents : Mrs.S.Srijayanthi,
Special Government Pleader
for R1, 2 & 4
Mr.M.Devendran, for R3

J U D G M E N T

(Judgment of the Court was delivered by K.K.SASIDHARAN, J.,)

The writ petition filed by the appellant challenging the order of punishment of dismissal from service was dismissed by the learned single Judge. The said order is under challenge in this intra court appeal.

2. The writ petitioner died during the currency of the writ petition and his legal representatives were brought on record. The first appellant, who is the wife of the deceased writ petitioner died during the currency of the appeal and her legal representatives are also on record.

3. After hearing the learned counsel for the appellants and the learned Special Government Pleader, we made a suggestion to the Government to consider the feasibility of modifying the punishment into one of compulsory retirement. The matter was accordingly considered by the Government.

4. When the Appeal is taken up for hearing today, the learned Special Government Pleader produced a copy of the Government Order in G.O.(D) No.425 dated 18.07.2019, modifying the punishment of dismissal from service into one of compulsory retirement.

5. The learned Special Government Pleader, on instruction, submitted that the consequential benefits would be paid to the legal representatives of the deceased within a period of four weeks. The said submission is recorded.

6. The challenge in the writ appeal is to the order imposing the punishment of dismissal from service. The Government has converted the punishment into one of compulsory retirement. We are of the view that the said order would meet the ends of justice.

7. We direct the respondents to pay the benefits due to the employee consequent to compulsory retirement, as expeditiously as possible.

8. The intra court appeal is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Commissioner,
Tribunal for Disciplinary Proceedings,
No.32, Daniel Thomas Nagar, Thanjavur-2.
2. The Special Commissioner for Employment
& Training (Employment Wing)
Guindy, Chennai - 600 032.
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No.1, Greems Road, Chennai - 600 006.
4. The Secretary,
Government of Tamil Nadu,
Labour and Employment Department,
Secretariat, Fort St.George, Chennai - 600 009.

+1 cc to M/s.C.Johnson, Advocate Sr.No. 62236
+1 cc to M/s.M.Devendran, Advocate Sr.No. 62595
+1cc to The Government Pleader Sr.No.62595

AKM/05.09.19/3P- 8C/

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