

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2019
CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
AND
THE HON'BLE MR.JUSTICE KRISHNAN RAMASAMY

W.A.NO.500 OF 2011
AND M.P.NO.2 OF 2011

Union of India,
Ministry of Defence rep. by

1. The Chief Army Staff,
Sena Bhavan, DHQ Post,
New Delhi - 110 011.
2. The GOC Counter Insurgency,
Presiding Officer SGCM,
Force Delta, C/O 56 APO.
3. The Commanding Officer,
8, Rashtriya Rifles (Madras),
C/O 56 APO. .. Appellants/Respondents

Vs

Ex Naik Dr.Sri Raman .. Respondent/Petitioner

Appeal preferred under Clause XV of Letters Patent against
the order dated 15.04.2009 made in W.P.No.35830 of 2005.

W.P.No.35830 of 2005:-

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records relating to the proceedings and verdict of Summary General Court Martial dated 23.11.2000 from the files of the 2nd respondent examine the legality and the propriety of the proceedings and the verdict in awarding the punishments of Life imprisonment reduction in rank and dismissal from service to the petitioner and quash the same and direct the respondents to reinstate the petitioner in Army with attendant benefits.

For Appellants .. No appearance

For Respondent .. No appearance

JUDGMENT

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

This writ appeal is directed against the order dated 15.04.2009 made in W.P.No.35830 of 2005.

2.It is very unfortunate that despite three opportunities given, no steps have been taken to bring on record the legal representatives of the respondent, who is stated to be no more. We are not inclined to keep this matter pending any longer as more than seven years have elapsed.

3.In such view of the matter, the writ appeal stands dismissed for not taking steps to bring the legal representatives of the deceased respondent on record. However, liberty is given to the appellants to file appropriate petition for restoration of the writ appeal, if so advised. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Chief Army Staff,
Union of India, Ministry of Defence,
Sena Bhavan, DHQ Post, New Delhi - 110 011.
2. The GOC Counter Insurgency,
Presiding Officer SGCM, Force Delta, C/O 56 APO.
Union of India, Ministry of Defence,
3. The Commanding Officer,
8, Rashtriya Rifles (Madras),
C/O 56 APO. Union of India, Ministry of Defence,

+1cc to Mr.V.Balasubramanian, Advocate, S.R.No.731

W.A.No.500 of 2011

SKV(CO)
CS/13/02/2019