

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2019

CORAM

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR. JUSTICE P.D.AUDIKESAVALU

Writ Appeal No. 2687 of 2012
and
M.P. No. 1 of 2012

- 1.The State of Tamil Nadu
Represented by
The Secretary to Government
Higher Education (C2) Department
Secretariat, Chennai - 9.
- 2.The Commissioner/Director of
Technical Education
Guindy, Chennai - 25. Appellants
- Vs.
- P.L.Lakshmanan Respondent

Prayer :: Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order dated 23.12.2009 made in W.P. No. 29961 of 2005, filed for issuance of a Writ of Certiorarified Mandamus to call for the records on the file of the 2nd respondent in 24.02.2000 communicating the order of the 1st respondent in G.O. Ms. No. 786 Education, Science and Vocational (W2) Department (now Higher Education Department) dated 5.11.1996 in Memo No. 6596/D2/2003 dated 6.5.04 Memo No. O.Mu. 20532/D2/2004 dated 28.3.2005 and in Memo No.O.Mu/14752/D2/2005 dated 18.8.2005 issued by the 2nd respondent and the order of the 1st respondent in Government Letter No.16578/C2/2004-2 dated 10.1.2005 and quash the same and direct the respondents to restore the original seniority fixed by the 2nd respondent in his Proc. No.33859/D3/94 dated 4.8.1994 for all other service and monetary benefits.

For Appellants :Mr. V.Kathivelu,
Special Govt. Pleader

For Respondent : Died -No steps taken

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 respondents in W.P. No. 29961 of 2005, was allowed by the learned Single Judge by order dated 23.12.2009.

2.The learned Special Government Pleader made a submission before the writ court that the issue is covered by the order in W.P. No.21654 of 2004 dated 03.04.2006.

3.The learned Special Government Pleader made the Court to believe that the issue need not be re-adjudicated in the writ petition and on the said basis, the learned Single Judge allowed the writ petition.

4.The respondent died during the currency of the appeal. This court by order dated 30.11.2018, granted time to the appellants to file application for impleading. The time was extended periodically, taking into account the request made by the appellants.

5.Even today, the learned Special Government Pleader seeks only further time. There is no point in keeping this appeal pending, which has already been abated.

6.We therefore close this intra court appeal consequent to abatement. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1.The Secretary to Government
Higher Education (C2) Department
Secretariat, Chennai - 9.

2.The Commissioner/Director of
Technical Education
Guindy, Chennai - 25.

+1cc to the Government Pleader Sr.12861

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srg 23/03/2019



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