

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.04.2019

Coram

THE HON'BLE MR. JUSTICE G.R.SWAMINATHAN

W.P.No. 36849 of 2007

Mrs. Ghor Chan Beevi

... Petitioner

Versus

1. The Superintendent of Police,
Tiruneveli-Kattabomman District.
2. The Deputy Inspector General of Police,
Tirunelveli.
3. The Director General of Police,
Chennai - 600 004. Respondents

PRAYER:

This writ petition is filed under Article 226 of Constitution of India to issue a writ of Certiorari, calling for the records relating to the order dated 05.09.2003 passed by Hon'ble Tamil Nadu Administrative Tribunal, Madras Bench in O.S.No.1905 of 1992 and quash the same.

For Petitioner :Mr.S.J. Jagadev

For Respondents :Mr.E. Neelagandan

O R D E R

This Writ petition is filed calling for the records relating to the order dated 05.09.2003 passed by Hon'ble Tamil Nadu Administrative Tribunal, Madras Bench in O.A.No.1905 of 1992 and quash the same.

2. Heard the learned counsel appearing on either side.

3. The writ petitioner's husband/deceased B.John Raja was a police Constable attached to Tirunelveli District and he was dismissed from service by an order dated 30.07.1991. Hence, he filed O.A. No.1905 of 1992 before the Tamil Nadu Administrative Tribunal and pending the said O.A the petitioner died on 29.12.2001. Therefore, when the O.A was taken up by the Tribunal, as the petitioner was not alive, the said O.A was dismissed for default on 05.09.2003. Challenging the same the

legal heir of the petitioner filed W.P.No.29887 of 2007 before this Court and the Hon'ble Division Bench of this Court by an order dated 13.09.2007 dismissed the writ petition, with the liberty to the petitioner to file fresh writ petition before a learned single Judge, for restoration of the Original Application, which was filed by the petitioner's husband before the Tribunal.

4.Considering the facts and circumstances, I am of the view that one more opportunity deserves to be granted to the petitioner in the interest of justice. Thereafter, the order passed in O.A.No.1905 of 1992 dated 05.09.2003 is set aside and the writ petition is allowed. Accordingly, O.A.No.1905 of 1992 stands restored to file.

5.Accordingly, the writ petition stands allowed. No Costs.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

smn

To

1. The Superintendent of Police,
Tiruneveli-Kattabomman District.
2. The Deputy Inspector General of Police,
Tirunelveli.
3. The Director General of Police,
Chennai - 600 004.
4. The Section Officer,
Writ Section, High Court, Madras-104
5. The Section Officer,
Writ AE Section, High Court, Madras-104

+1cc to Mr.SJ.Jaadev, Advocate SR.No.34502

+1cc to Government Pleader SR.No.35294

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KJ(CO)
GMY(18/06/2019)



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