

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :09.01.2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No. 49067 of 2006

1. P. A. Dhayanullah (Deceased)
2. Ansar beevi
3. Asiya Banu
4. Kismath Banu (Minor)
5. Hasima Banu (Minor)
P2 to P5- Substituted as LR's in the place of deceased
petitioner as per order dated 09.10.2012 in
M.P.Nos.1/11 and 2/12 in W.P.No.49067 of 2006
...Petitioners

vs

1. The Chairman,
Tamil Nadu Public Service Commission,
Chennai - 600 002.
2. The Secretary to Government,
P & AR Department,
Secretariat,
Fort St. George,
Chennai -600 009.
... Respondents

Prayer: Writ Petition filed under Article 226 of the
Constitution of India praying to issue orders or writs or
directions, particularly in the nature of A Writ of Mandamus
directing the 1st respondent, the chairman TNPSC, to reinstate
the petitioner in service with continuity of service with effect
from 7.4.2005 and consequent benefits including back wages and
issue such further or other orders.

For Petitioners : Mr. S. S. Vasudevan.

For Respondents: R1 (Dismissed Vide Court order
dated 08.09.2009
Mr. G. B. Rajesh, Government Advocate
for R2

O R D E R

The learned counsel for the writ petitioners made a submission that the writ petitioner is died. The relief sought for in the present Writ Petition is to reinstate the petitioner into service and the fact remains that the Writ Petitioner was engaged as daily wage employee in the Tamil Nadu Public Service Commission and continued as daily wage employee.

2. Therefore, he is not entitled for the benefit of a regularisation, in view of the fact that the writ petitioner continued only as a daily wage employee, and as held by the Apex Court, in matter of Regularization, in the case of Secretary, State of Karnataka Vs Umadevi and Others (2006) 4 SCC1

3. Thus, the cause arose for filing the present Writ Petition deserved no merit consideration as the writ petitioner himself is no more.

4. Accordingly, the Writ Petition stands closed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

mrn

To

1. The Chairman,
Tamil Nadu Public Service Commission,
Chennai -600 002.

2. The Secretary to Government,
P & AR Department,
Secretariat,
Fort St. George,
Chennai -600 009.

W.P.No.49067 of 2006

gj[co]
srg 20/02/2019