

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.35671 of 2005 and
W.P.M.P.No.38469 of 2005

S.Poosaithurai,
Retired Additional Departmental Member,
Sales Tax Appellate Tribunal (Additional Bench)
3/81, Tenkasi Mani Road,
Ullar, Rayagiri Post,
Sivagiri Taluk,
Tirunelveli District - 627 764. Petitioner

Vs

1. The Secretary to Government,
Commercial Taxes (F.II) Department,
Fort St. George,
Chennnai - 600 009.
2. Commissioner of Commercial Taxes,
Chepauk,
Chennai - 600 005.
3. The Chairman,
Sales Tax Appellate Tribunal,
Chennai - 600 104.
4. The Accountant General,
Office of the Accountant General,
Teynampet,
Chennai - 600 018. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to pass an order of Writ of Mandamus, directing the respondents herein to consider the petitioner as having retired w.e.f. 30.11.2004 from service in the post of Retired Additional Department Member, Sales Tax Appellate Tribunal (Additional Bench) Madurai in terms of the order of the Madras High Court in C.P.No.648 of 2003 dated 21.09.2004 and accordingly prepare petitioner's retirement papers and sanction the petitioner's Pension and Retirement Benefits like DCRG, Provident Fund, Commutation of Pension, encashment of earned leave and unearned leave special provident fund, arrears of salary and arrears of pension, etc, with 18% interest from 30.11.2004 till date

of payment.

For Petitioner : Mr.K.Sridhar

For Respondents : Mr.M.Hariharan
Additional Government Pleader
for R1 to R3
Mr.V.Vijaya Shankar,
Additional Central Government
Standing counsel for R4

O R D E R

Today when the matter is taken up for hearing, it is submitted by the learned counsel for the petitioner that nothing survives in the writ petition since the petitioner has died and the legal heirs of the petitioner have received all the monetary benefits due to the petitioner. The legal heirs of the petitioner have also not been impleaded in this writ petition, since they are not interested in pursuing the writ petition.

2. In view of the said submission, nothing further survives for adjudication in this petition. Hence, this writ petition is dismissed as abated. Consequently, connected miscellaneous petition is closed. No costs.

-sd/-

Assistant Registrar

/ TRUE COPY /

Sub-Assistant Registrar

vum

To

1. The Secretary to Government,
Commercial Taxes (F.II) Department,
Fort St. George,
Chennnai - 600 009.

2. Commissioner of Commercial Taxes,
Chepauk,
Chennai - 600 005.

3. The Chairman,
Sales Tax Appellate Tribunal,
Chennai - 600 104.

4. The Accountant General,
Office of the Accountant General,
Teynampet,
Chennai - 600 018.

+1 cc to the special Government Pleader(Taxes) SR.NO. 36489

+1 cc To MR.V.VIJAYA ASHANKAR ADVOCATE SR.NO. 36192

W.P.No.35671 of 2005 and
W.P.M.P.No.38469 of 2005

KK (CO)
RD 08/06/2019



WEB COPY