

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2019

CORUM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Appeal No.1866 of 2018

and

C.M.P.No.14969 of 2018

1. The Secretary to Government,
Co-operation, Food and Consumer
Protection (CD-2) Department,
Fort St.George,
Secretariat,
Chennai - 600 009.
2. The Registrar of Co-operative Societies,
Kilpauk,
Chennai - 600 010.Appellants/Respondents

Vs.

R.Natesan

... Respondent/Petitioner

Writ Appeal filed under Clause 15 of the Letters Patent against the order passed by the learned single Judge of this Court in W.P.No.739 of 2012 dated 10.08.2012.

Prayer in W.P.No.739 of 2012:

as against Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to Call for the records relating to the proceedings in

(i) G.O.(2D).No.117 Co-Operative Food and Consumer Protection (C.D) Department dated 30.09.2002 and the consequential proceedings in

(ii) G.O.(3D).No.93 Co-Operative Food and Consumer Protection (C.D) Department dated 30.09.2002 of the 1st Respondent herein and quash the same and to direct the Respondents to pass order immediately settling the Retiral and Pensionary Benefits and all

other attendant and consequential benefits arising out of his 36 years of services rendered in the Co-Operative Department with 18% interest on the arrears thereof due to delayed payment from the date when the amount fell due till the date of its actual payment.

For Appellants : Mr.L.P.Shanmugasundaram
Special Government Pleader

For Respondents: Mr.R.Muthukannu

J U D G M E N T

(Judgment of the Court was delivered by K.K.SASIDHARAN, J.,)

The respondent was an employee of the Co-operative Department. He was not permitted to retire on account of the initiation of the disciplinary proceedings. The order suspending him from service and not permitting him to retire from service were challenged before the learned single Judge. The writ petition was allowed by order dated 10.08.2012. The said order is under challenge at the instance of the Cooperative Department.

2. The respondent died during the currency of the appeal. Since the details of the legal representatives of the respondent were not available, application was not filed to implead the legal representatives and to continue with the proceedings.

3. The learned single Judge found that the charges framed against the respondent were already dropped and as such, there was no point in keeping the proceedings passed against him, pending. The learned single Judge, therefore, directed the appellants to disburse all the retirement benefits to the respondent along with interest for belated payment.

4. It is a matter of record that during the currency of the Appeal, the respondent died. Since the particulars were not available, the legal representatives were not impleaded. The Government has now passed an order in G.O.(2D)No.25, Cooperation, Food and Consumer Protection (CD2)Department dated 16.05.2019 indicating that the entire proceedings shall abate taking into account, the order in G.O.(Ms)No.2999, Public (Ser.B) Department, dated 04.12.1969. Since the charges were initially dropped and the subsequent proceedings are also abated on account of the death of the respondent, the appellants are obliged to pay all the benefits to the legal representatives of the respondent.

5. The appellants are directed to pay the retiral benefits as directed by the learned single Judge in paragraph No.21 of the

order along with the interest at the applicable rate as expeditiously as possible and in any case, on or before 30.08.2019, to the legal representatives.

6. The intra court appeal is disposed of as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Secretary to Government,
Co-operation, Food and Consumer
Protection (CD-2) Department,
Fort St.George,
Secretariat,
Chennai - 600 009.
2. The Registrar of Co-operative Societies,
Kilpauk,
Chennai - 600 010.

+1cc to M/s.R.Muthukkannu, Advocate Sr.46412
+1cc to the Government pleader Sr.46889

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W.A.No.1866 of 2018

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srg 19/07/2019